

ZB# 02-60

Carmen Monaco

13-2-2

ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR
555 UNION AVENUE
NEW WINDSOR, N.Y. 12553

APPROVED

6/9/03

— ZBA 02-60 CARMEN MONACO —
(USE) 224 WALSH AVE. (13-2-2-)

APPLICATION FEE (DUE AT TIME OF FILLING OF APPLICATION)

FILE # 02-60 TYPE: AREA _____ USE ☒

APPLICANT: Carmex Monaco

110 Prospect Hill Rd.

~~Pont Wiscasset, NY 12553~~ Wallkill

TELE: 562-0199 12589

RESIDENTIAL: \$ 50.00 CHECK # 4233

COMMERCIAL: \$150.00 CHECK # _____

INTERPRETATION: \$150.00 CHECK # _____

ESCROW: ~~\$500.00~~ 300.00 CHECK # 4232

DISBURSEMENTS:

	MINUTES \$4.50 PER PAGE	ATTORNEY FEES \$35.00 / MEETING
PRELIM..... <u>10/28</u>\$ <u>18.00</u>	\$	<u>35.00</u>
2 ND PRELIM.....		
3 RD PRELIM.....		
PUB HEARING..... <u>6/9</u>		<u>35.00</u>
PUB HEARING (CON'T)...		
TOTAL	\$ <u>67.50</u>	\$ <u>70.00</u>

OTHER CHARGES:..... \$ _____

• • • • •

ESCROW POSTED: \$ 300.00
 AMOUNT DUE: \$ _____
 REFUND DUE: \$ 162.50

L.R.
8/11/03



(USE) 224 WALSH



In the Matter of the Application of

CARMEN MONACO

MEMORANDUM OF
DECISION GRANTING

USE VARIANCE

CASE #02-60

WHEREAS, Carmen Monaco , owners of 224 Walsh Avenue, New Windsor, New York, 12553, has made application before the Zoning Board of Appeals for a/an Use Variance for proposed conversion of commercial space to apartment use

WHEREAS, a public hearing was held on the 9th day of June 2003 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, the Applicant appeared, together with Daniel Bloom, Esq. and Eldred Carhart, Appraiser, on behalf of this Application; and

WHEREAS, there were no spectators appearing at the public hearing; and

WHEREAS, no one spoke in favor of or in opposition to the Application; and

WHEREAS, a decision was made by the Zoning Board of Appeals on the date of the public hearing granting the application; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor sets forth the following findings in this matter here memorialized in furtherance of its previously made decision in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and published in The Sentinel, also as required by law.
2. The Evidence presented by the Applicant showed that:
 - (a) The property is a commercial property located in a mixed neighborhood of residential and commercial properties.
 - (b) The Zoning Board of Appeals reviewed this matter pursuant to SEQRA for the purposes of this application only and declared a Negative Declaration.
 - (c) The property contained more than one structure, which was used for the conduct of auto sales, a commercial use and a residential use containing a number of rental apartments. The applicant now seeks to omit the commercial use and allow the property to be used entirely for residential rental real estate and an office for the conduct of his auto sales business.

- (d) The application, if granted, would allow the existing property to contain seven (7) separate apartments and the existing auto sales office. In connection with the auto sales, it is for the wholesale sale of used automobiles and there is no storage of automobiles on the premises, or offering of automobiles for sales or visible promotion of sales.
- (e) The existing commercial use, which the applicant seeks to discontinue, necessitated daily truck delivery, which would be eliminated if the proposed variance is granted.
- (f) Parking for the proposed residences is on an adjacent parcel and appears to be more than adequate for the reasonable needs of said residents.
- (g) The commercial space, as it presently exists, contains only one half bathroom.
- (h) Although the neighborhood is a mixed commercial and residential neighborhood, it is increasingly residential in character and the elimination of the commercial use in the neighborhood would be beneficial to the neighborhood.
- (i) The existing apartments in the building will be equal to or smaller than the proposed apartments. In addition, the proposed apartments will be equal to or larger than other multi-family apartments in the neighborhood.
- (j) If the variance is granted, the applicant intends to seek site plan approval from the Planning Board in addition.
- (k) If the variances sought are granted, the applicant will surrender the previously granted variance for the conduct of a commercial enterprise, other than the used car sales office.
- (l) The square foot return on the commercial property would be approximately \$3.80 per square foot, net. The square foot return on the same space after it had been converted into two apartments would be approximately \$10.00 per square foot, net. The hardship in this case was not self-created because the condition of the property, and the entire neighborhood, pre-existed the present ownership of the property and was beyond the control of the owner.
- (m) The motor vehicles on the lot are not repaired or worked on.
- (n) The property contains no garage for the conduct of work on the automobiles.

WHEREAS, The Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law here memorialized in furtherance of its previously made decision in this matter:

1. The applicant has proven to the Board's satisfaction that he cannot realize a "Reasonable Return" as demonstrated by competent financial evidence for each and every use permitted in the zone in which the property is located.
2. Any hardship related to the property in question would appear to be unique because the property is unlike any other property and the neighborhood itself is unique.
3. It is the opinion of the Board that the granting of the Use Variance will not result in the alteration of the essential character of the neighborhood. This is based upon the familiarity by the Board Members with the neighborhood, as well as the evidence presented to the Board.
4. It appears that the hardship alleged by the Applicant has not been self-created.
5. It is in the interest of justice that this application be granted provided that the previous variance sought and obtained by the owner of this property for the conduct of a commercial enterprise on the property, other than conduct of an automobile sales office, be, and hereby is, discontinued.

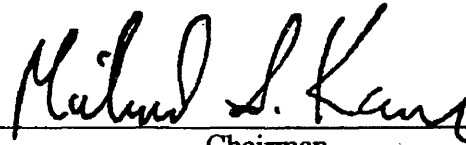
NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a request for a Use Variance for proposed conversion of commercial space to apartment use as sought by the Applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

BE IT FURTHER

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and Applicant.

Dated: August 18, 2003


Chairman

OFFICE OF THE BUILDING INSPECTOR
TOWN OF NEW WINDSOR
ORANGE COUNTY, NEW YORK

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT (845) 563-4630 TO MAKE AN APPOINTMENT WITH THE ZONING BOARD OF APPEALS.

DATE: 10/3/02

APPLICANT: CARMEN MONACO
110 PROSPECT HILL RD
NEW WINDSOR, NY 12553

COPY

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE: 1/30/02

FOR : CONVERSION OF COMMERCIAL USE TO CREATE 7 FAMILY MULTIPLE DWELLING

LOCATED AT: 224 WALSH AVE.

ZONE: R-4 Sec/Blk/ Lot: 13-2-2

DESCRIPTION OF EXISTING SITE: 5 FAMILY WITH COMMERCIAL USE

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

1. 48-12 R-4 ZONE – CONVERSION OF COMMERCIAL USE TO TWO ADDITIONAL APARTMENTS TO CREATE A 7-FAMILY MULTIPLE DWELLING. MULTIPLE FAMILY IS NOT PERMITTED IN THE R-4 ZONE.


BUILDING INSPECTOR

PERMITTED

**PROPOSED OR
AVAILABLE:**

**VARIANCE
REQUEST:**

**ZONE: R-4 USE: SINGLE
 FAMILY**

**MULTIPLE
FAMILY
7 UNITS**

**MULTIPLE
FAMILY
7 UNITS**

MIN LOT AREA:

MIN LOT WIDTH:

REQ'D FRONT YD:

REQ'D SIDE YD:

REQ'D TOTAL SIDE TD:

REQ'D REAR YD:

REQ'D FRONTAGE:

MAX BLDG HT:

FLOOR AREA RATIO:

MIN LIVABLE AREA:

DEV COVERAGE:

cc: Z.B.A., APPLICANT, FILE, W/ ATTACHED MAP

PLEASE ALLOW FIVE TO TEN DAYS TO PROCESS
IMPORTANT.
YOU MUST CALL FOR ALL REQUIRED INSPECTIONS OF CONSTRUCTION

Other inspections will be made in most cases but those listed below must be made or Certificate of Occupancy may be withheld. Do not mistake an unscheduled inspection for one of those listed below. Unless an inspection report is left on the job indicating approval of one of these inspections it has not been approved and it is improper to continue beyond that point in the work. Any disapproved work must be reinspected after correction.

1. When excavating is complete and footing forms are in place (before pouring.)
2. Foundation Inspection. Check here for waterproofing and footing drains.
3. Inspect gravel base under concrete floors and underslab plumbing.
4. When framing, rough plumbing, rough electric and before being covered:
5. Insulation.
6. Final inspection for Certificate of Occupancy. Have on hand electrical inspection data and final certified plot plan. Building is to be completed at this time. Well water test required and engineer's certification letter for septic system required.
7. Driveway inspection must meet approval of Town Highway Superintendent. A driveway bond may be required.
8. \$50.00 charge for any site that calls for the inspection twice.
9. Call 24 hours in advance, with permit number, to schedule inspection.
10. There will be no inspections unless yellow permit card is posted.
11. Sewer permits must be obtained along with building permits for new houses.
12. Septic permit must be submitted with engineer's drawing and perc test.
13. Road opening permits must be obtained from Town Clerk's office.
14. All building permits will need a Certificate of Occupancy or a Certificate of Compliance and here is no fee for this.

RECEIVED

JAN 9 2002

BUILDING DEPARTMENT

FOR OFFICE USE ONLY:
Building Permit #: PA2002-0067

**AFFIDAVIT OF OWNERSHIP AND/OR CONTRACTOR'S COMP & LIABILITY INSURANCE CERTIFICATE IS
REQUIRED BEFORE PERMIT WILL BE ISSUED**

PLEASE PRINT CLEARLY - FILL OUT ALL INFORMATION WHICH APPLIES TO YOU

Owner of Premises Carmen Mowaco

Address 110 Prospect Hill Rd Wallkill N.Y. Phone 845-564-4825

Mailing Address Same Fax 845-562-0420

Name of Architect _____

Address _____ Phone _____

Name of Contractor _____

Address _____ Phone _____

State whether applicant is owner, lessee, agent, architect, engineer or builder Owner

If applicant is a corporation, signature of duly authorized officer. _____

(Name and title of corporate officer)

1. On what street is property located? On the south side of Walsh Road
(N,S,E or W)
and 300⁺ feet from the intersection of Walsh & John Street

324 Walsh Ave

2. Zone or use district in which premises are situated _____ Is property a flood zone? Y _____ N ☒

3. Tax Map Description: Section 13 Block 2 Lot 2

4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.

a. Existing use and occupancy Mixed b. Intended use and occupancy Mixed

5. Nature of work (check if applicable) New Bldg ☐ Addition ☐ Alteration ☒ Repair ☐ Removal ☐ Demolition ☐ Other ☐

6. Is this a corner lot? No

7. Dimensions of entire new construction. Front 31' 1/2 Rear 31' 1/2 Depth 53 ft. Height 9' 1/2 ft. No. of stories 1

8. If dwelling, number of dwelling units: 2 Number of dwelling units on each floor 2

Number of bedrooms 2/1 Baths 2 Toilets 2 Heating Plant: Gas ☒ Oil _____


Electric/Hot Air _____ Hot Water GAS If Garage, number of cars 0

9. If business, commercial or mixed occupancy, specify nature and extent of each type of use Convert from

Commercial use to two Apts.

10. Estimated cost 25,000

Fee \$500 + \$2280
std 1/30/02

 planning board

PAID

____/____/____
date

APPLICATION FOR BUILDING PERMIT
TOWN OF NEW WINDSOR, ORANGE COUNTY, NEW YORK
Pursuant to New York State Building Code and Town Ordinances

Building Inspector: Michael L. Babcock
Asst. Inspectors Frank Liel & Louis Krychear
New Windsor Town Hall
555 Union Avenue
New Windsor, New York 12553
(914) 563-4618
(914) 563-4693 FAX

Bldg Insp Examined _____
Fire Insp Examined _____
Approved _____
Disapproved _____
Permit No. _____

INSTRUCTIONS

- A. This application must be completely filled in by typewriter or in ink and submitted in duplicate to the Building Inspector.
- B. Plot plan showing location of lot and buildings on premises, relationship to adjoining premises or public streets or areas, and giving a detailed description of layout of property must be drawn on the diagram, which is part of this application.
- C. This application must be accompanied by two complete sets of plans showing proposed construction and two complete sets of specifications. Plans and specifications shall describe the nature of the work to be performed, the materials and equipment to be used and installed and details of structural, mechanical and plumbing installations.
- D. The work covered by this application may not be commenced before the issuance of a Building Permit.
- E. Upon approval of this application, the Building Inspector will issue a Building Permit to the applicant together with approved set of plans and specifications. Such permit and approved plans and specifications shall be kept on the premises, available for inspection throughout the progress of the work.
- F. No building shall be occupied or used in whole or in part for any purpose whatever until a Certificate of Occupancy shall have been granted by the Building Inspector.

APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions, or alterations, or for removal or demolition or use of property as herein described. The applicant agrees to comply with all applicable laws, ordinances, regulations and certifies that he is the owner or agent of all that certain lot, piece or parcel of land and/or building described in this application and if not the owner, that he has been duly and properly authorized to make this application and to assume responsibility for the owner in connection with this application.

Same
(Signature of Applicant)

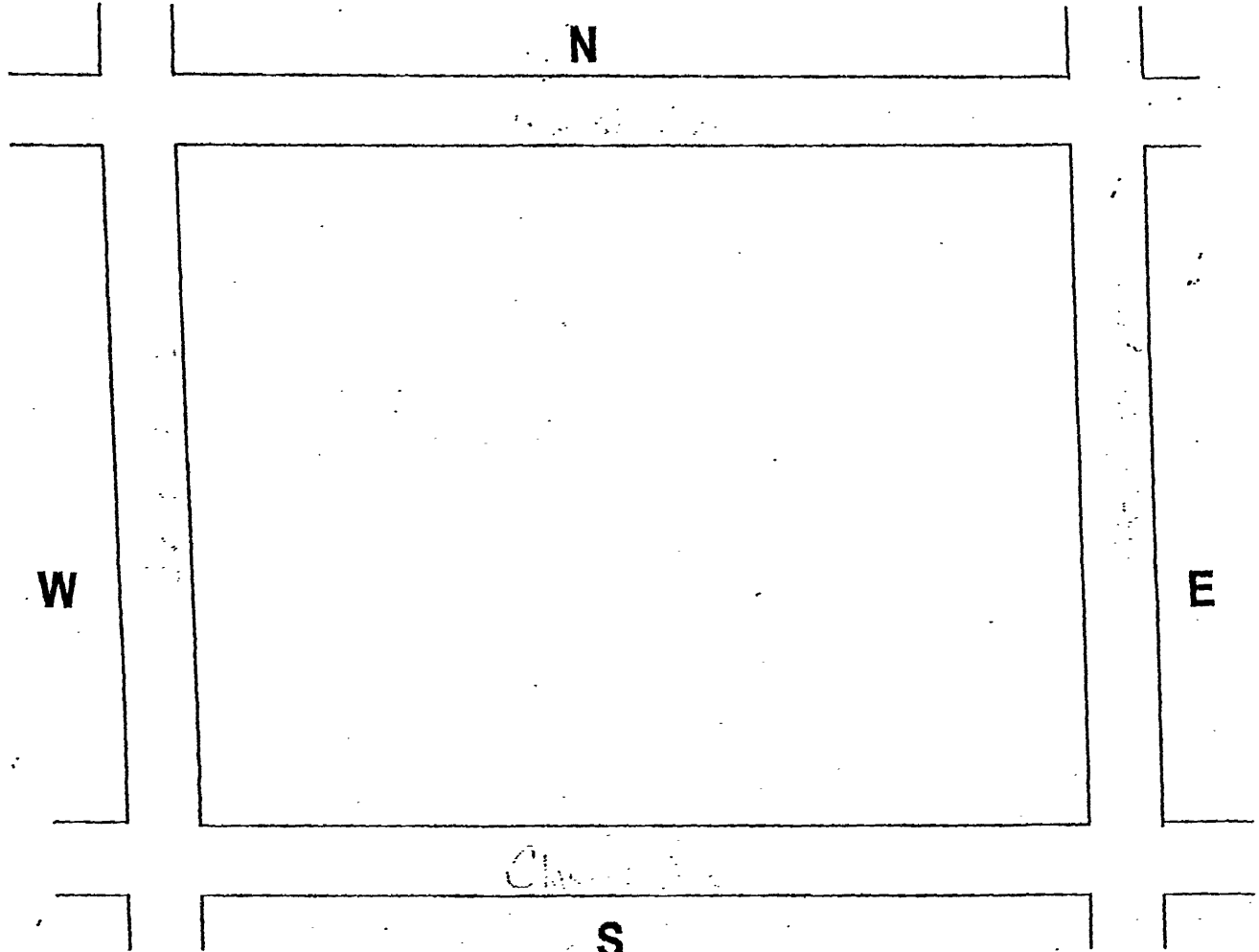
(Address of Applicant)

C. L. Liel
(Owner's Signature)

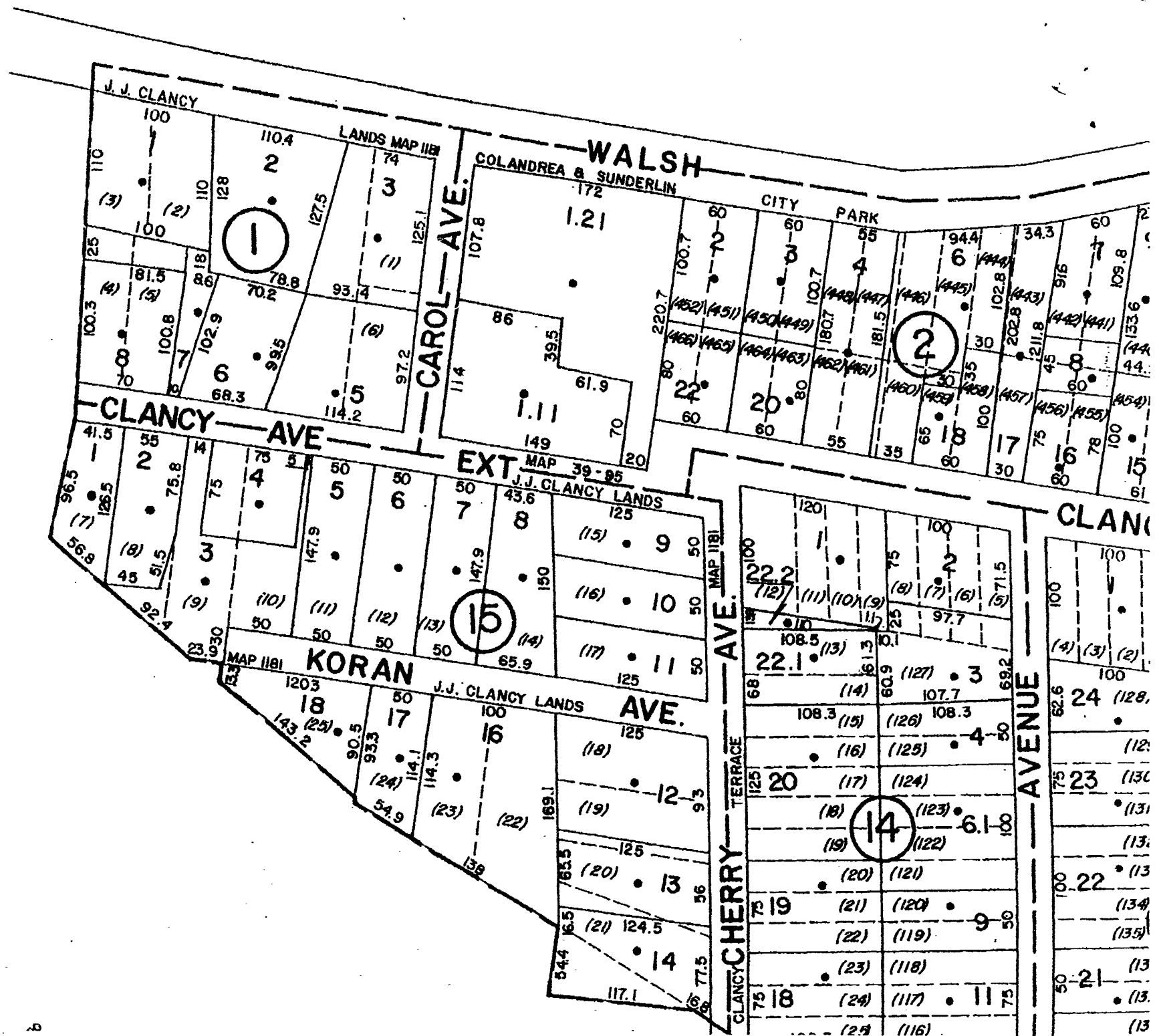
110 Prospect Hill Rd Wallkill N.Y. 12589

PLOT PLAN

NOTE: Locate all buildings and indicate all set back dimensions. Applicant must indicate the building line or lines clearly and distinctly on the drawings.

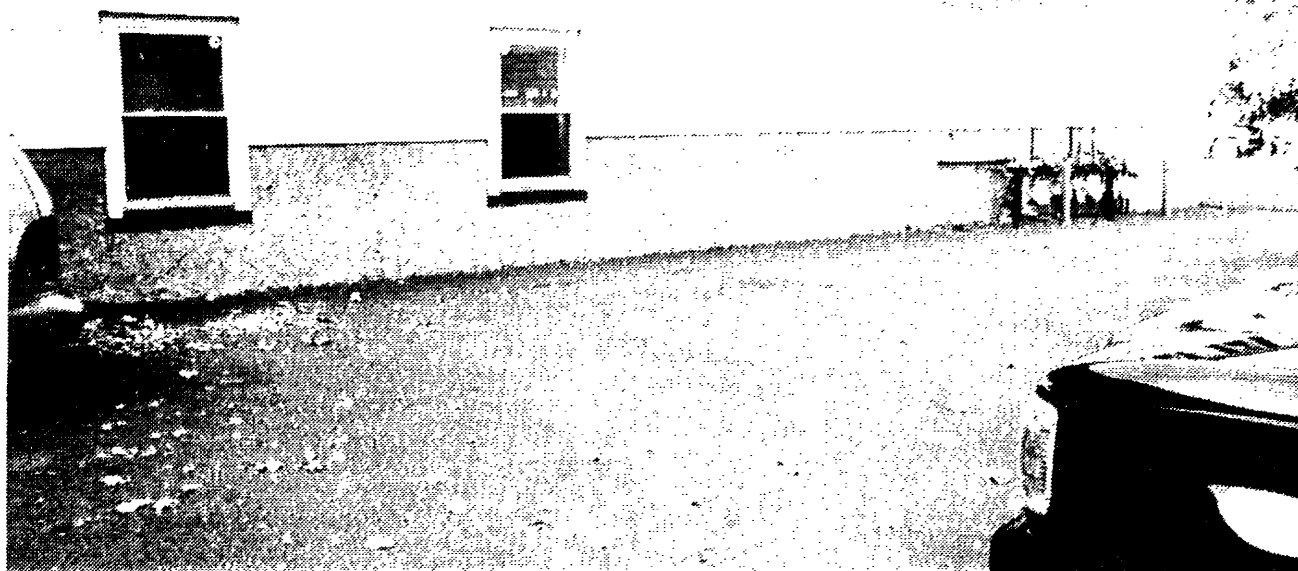


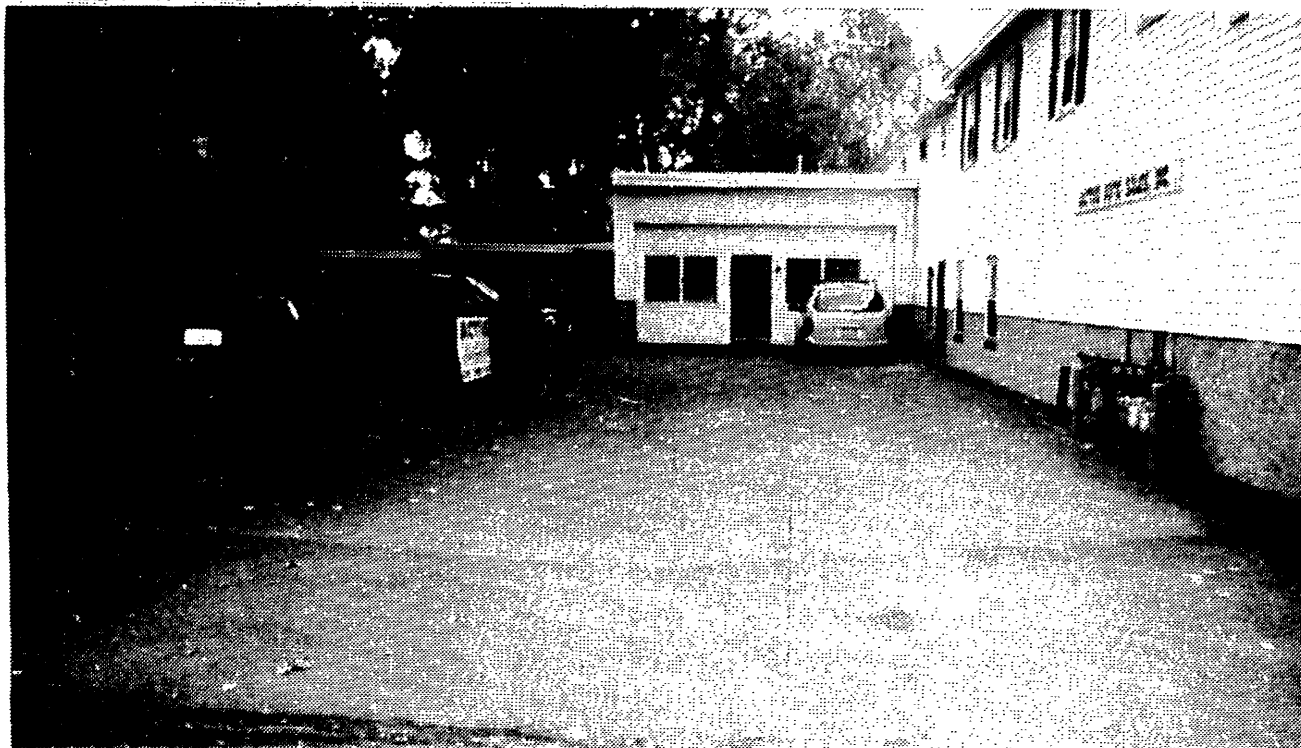
CHITACT





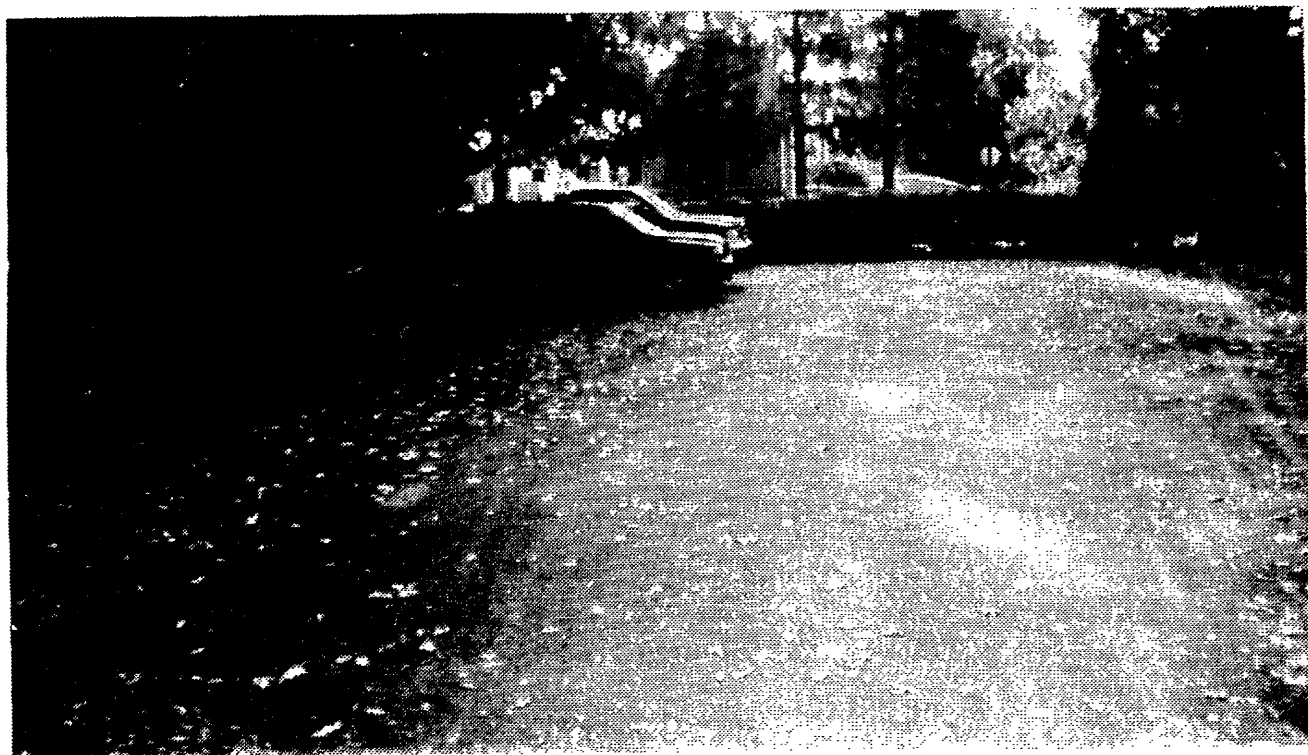
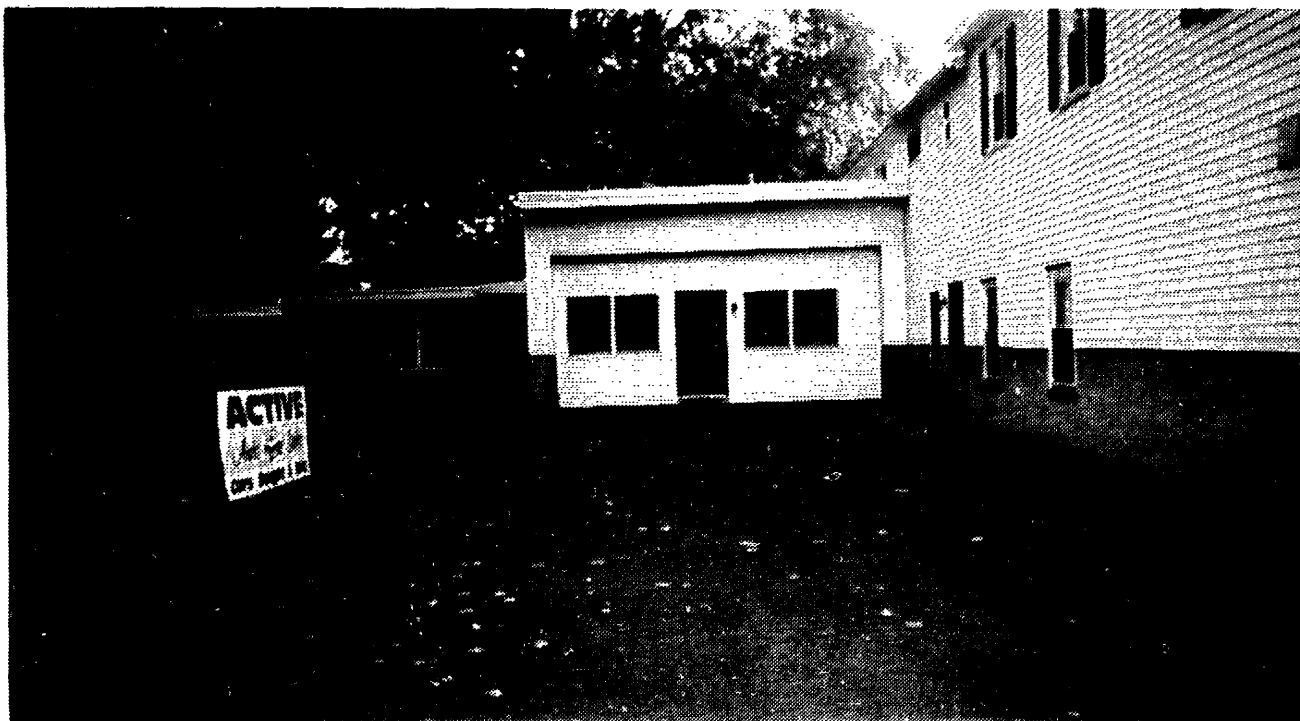


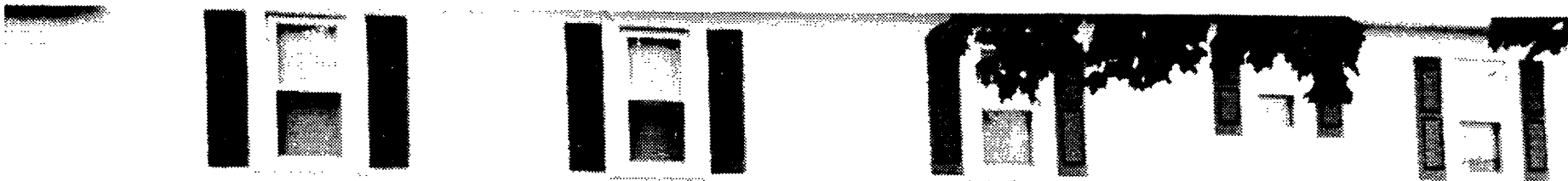












REPAIR AUTO SALES, INC.









Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4615
Fax: (845) 563-4695

OFFICE OF THE ZONING BOARD OF APPEALS

September 11, 2003

Mr. Carmen Monaco
110 Prospect Hill Road
Wallkill, NY 12589

SUBJECT: REQUEST FOR VARIANCE #02-60 (13-2-2)

Dear Mr. Monaco:

Please find enclosed two copies of the Formal Decision for your case before the Zoning Board of Appeals. Please keep these copies in your records for future reference if needed.

If you are in need of any further assistance or have any questions in this matter, please feel free to contact me at the above number.

Very truly yours,


Myra Mason, Secretary to the
NEW WINDSOR ZONING BOARD

MLM:mlm

cc: Michael Babcock, Building Inspector

CARMEN MONACO (#02-60)

Daniel Bloom, Esq. and Mr. Carmen Monaco appeared before the board for this proposal.

MR. TORLEY: Request for use variance for proposed conversion of commercial space to apartment use at 224 Walsh Avenue in an R-4 zone. Is there anyone besides the applicant who wishes to speak on this matter? Let the record there is none. Letters?

MS. MASON: On the 20th day of May, 63 addressed envelopes containing the public hearing notice were mailed out, no response.

MR. BLOOM: Good evening, my name is Dan Bloom, I represent Mr. Monaco this evening and I have with me to my left Mr. Eldred Carhart. Mr. Carhart will be addressing you later with the board's permission concerning the necessary economic basis for the application. With the board's permission, I'd like to take a moment to bring the easel over so I can put up some maps and make it a little bit easier to understand what we're trying to achieve here.

MR. TORLEY: Before you begin, this structure and property has been before the board on a number of times for various changes. Can we reach a point where we're going to say you're going to change it one last set of variance requests, uses, whatever and that will be it?

MR. MONACO: This is it, sir, yeah, this gets it all to one basic usage.

MR. BLOOM: Okay, thank you, gentlemen. This is the application of my client, Mr. Carmen Monaco, who as you may know operates an auto sales business in the Town of New Windsor, it faces on Walsh Road and it backs off into Clancy. I'd like to give a little bit of historical background in terms of the prior history of this property with the Zoning Board of Appeals and the Planning Board as alluded to by the Chairman a little while ago. I was with Carmen Monaco probably back 1997 when we came before this board and at that time, the goal was to take this property which consisted of at

that time about four separate tax parcels and to try to take mixed uses being residential, car sales, machine shop and try to segregate them onto separate parcels, this is over in Ducktown, as you know, and we're kind of stuck with something that has an awfully long history but I can say that we're here this evening to hopefully and as suggested by the board hopefully to put this to rest once and for all and I say that for this reason. When we were here the last time in 1997, my client was seeking permission to use the building that appears on this diagram today which is crosshatched to seek permission to use the upper portion of it as residential and the lower portion as an existing, as a prior machine shop, but to be transferred into another commercial use at that time a curtain shop, manufacturing of curtains. And the property that's crosshatched off to the right as you face Walsh Road was to be his sales office and residential next to it. Well, we're here this evening thankfully to announce that the owner of the curtain shop has now decided to go out of business or at least move so my client's faced with an unusual sort of situation, on the one hand, he could continue the use given the prior variance that was granted by this board for commercial purposes or as he's doing on this application he comes back to the board this evening for the purpose of instead of continuing the commercial non-permitted use in this R-4 so he's coming back to seek permission to convert that pre-existing commercial use, that is the curtain shop into two new apartments. The end result would be that if this board grants the application and when we're all said and done we'll have one building that will consist of 7 separate apartments with the existing sales office on the very end and I might say it's a sales office in name only, there's really no activity. Carmen doesn't operate a retail sales type of business, it's wholesale so he hardly ever has anyone come to the shop. But with that, that is the purpose of the application. Now, there will be no changes to the footprint of the building, there will be no changes to the exterior of the building, the only thing that's going to occur is that he's going to upgrade the interior of the building to the point that all of the apartments will have separate and new heating systems, separate and new gas meters, electric

so that the existing building which when he purchased it had one heating plan to service the entire structure, each apartment will have its own separate entrance and own separate utilities and meters. The bottom line is that when he's done, if this application is granted, he will now have a structure that's entirely residential so that all of the residents in the building can enjoy a better quality of life. Now why do we say that? Well, a curtain shop is not a particularly offensive intrusion on residential life but Carmen tells me on a regular basis perhaps daily this woman, the curtain shop owner rightfully would get UPS deliveries daily, truck would pull up in the front and block the resident's entrance to the building, 18 wheel trucks would come by and drop off supplies and block the entire entrance on those occasions. So if he can get rid of the commercial use here, limit it strictly to the residential apartments, have separate entrances, you'll notice the property next to it is all parking area, he says that he has more than ample parking in the back for all the residential tenants and in fact, the existing commercial tenant has two employees and each have their own cars. So there's three cars that will not be utilizing the premises, should the application be granted. And in effect, if the application is granted, he's going to be achieving a residential community on his parcels which will compliment the residential community in the surrounding area and not be a detriment to it, improve the quality of life of all the residents in the neighborhood. Now, I'd like to at this time with the board's permission introduce Mr. Eldred Carhart to you. I have retained Eldred to come and to prepare an analysis of the affect, the impact of the granting of a residential variance to my client vis-a-vis the denial of the application, meaning he would have to continue to use this building as a mixed use that's commercial and residential and by way of giving you some of the background of Eldred that he's state certified general appraiser, he's certified in New York, Connecticut and Pennsylvania, he's been in the business of appraising since 1965, he's been employed by various lending institutions throughout Westchester, Rockland and Orange during that period of time and ultimately formed his own appraisal service and has performed appraisals

for various, various lending institutions and boards throughout New York State. And with that introduction, I'd like to have the opportunity to have Mr. Carhart address you on those issues please.

MR. TORLEY: The board would acknowledge his expertise in this matter.

MR. CARHART: Thank you. The application is for a mixed use property 5 residential units and this commercial unit, the commercial unit takes up 1,550 square feet and it's now occupied by a drapery manufacturer. The property has only one half bathroom, it has a compressor which operates quite noisily, it has daily UPS service and it rents for \$550 a month which converts to \$3.80 a square foot on an annual basis. To continue the manufacturing use would be extremely difficult. Unrestricted manufacturing use of the property could be harmful to the other residential tenants, whereas only quiet uses of the property would be acceptable and like the drapery manufacturer would cause a loss of income which is what this property does, which is its present use. Lack of a bathroom facilitates, also causes problems for the property which, and the cure is economically unfeasible to fix it. Daily UPS deliveries and noise from the compressor also add to the general confusion of the site. In my opinion, the granting of the variance would not have any adverse affect on the property values in the neighborhood, except to improve them eliminating possibly this commercial use of the property. The conversion to an apartment basis would increase the net operating income a great deal.

MR. KANE: Are there any other still commercial situations in that particular neighborhood or is it all residential?

MR. MONACO: It's a mixed neighborhood but there's a lot of multi-family, next to me is a seven family.

MR. KANE: Not multi-family but commercial?

MR. MONACO: There's a junk yard across the street, Freddy Thompson with the trailer park in the back.

MR. BABCOCK: Keep in mind across the street is a PI zone, Walsh Road is the borderline.

MR. TORLEY: Now I'm sorry I forgot to bring my bulk tables with me tonight but any other commercial activities permitted in an R-4 zone like a convenient store or something like that?

MR. BABCOCK: No, it's strictly single family residential.

MR. TORLEY: So a commercial activity, this is strictly hypothetical, a mom and pop grocery store in that space would still even though now legal because of his variances he's changing the use, maybe not.

MR. BABCOCK: Right, the only thing that he can do is continue the exact same use that he has there now, manufacturing, so if somebody came in and wanted a manufacturing machine shop, manufacturing any type of product, he would be able to rent it to them. But the problem he faces is what he's saying is that he can't rent to somebody that's going to make a lot of noise because the building has the rest full of apartments.

MR. TORLEY: I'm looking at 1,500 square feet for a proposed two apartments, what's the main apartment size? I thought it was 900 square feet, again, I forgot my bulk table, it's not listed.

MR. KANE: That would be the planning board.

MR. TORLEY: No, he's asking for us to create two apartments that are substandard size.

MR. CARHART: I don't know that they are substandard size.

MR. TORLEY: 1,500 square feet he's making two apartments out of it.

MR. CARHART: There's an awful lot of apartments that are 660 square feet.

MR. TORLEY: That's true but if they're not meeting our standard, we cannot create substandard apartments.

MR. BABCOCK: What I think we're saying is that if they don't and I don't have that information in front of me, you should be asking for a variance of that also so maybe that's what we need to do, is that what you're saying?

MR. TORLEY: Yes, I am.

MR. BLOOM: Well, Mr. Chairman, may I be heard on that issue?

MR. TORLEY: Please.

MR. BLOOM: We weren't aware of the fact that this application for the two apartments might require a variance in terms of square footage, this is the first time we're hearing of it. My question to the board is could they consider granting the such a variance at this time having made the formal application to the board before?

MR. TORLEY: I don't know if we can add that in or not.

MR. KRIEGER: What's the notice say?

MR. TORLEY: Anybody have a copy of the notice?

MR. BABCOCK: I'm sure it doesn't say that because it never came to our minds at that time.

MR. BLOOM: Just said conversion to apartment use.

MR. KRIEGER: Without any statement about size, yes, I don't see any reason why you can't consider that at this point, it's within the apartment, that's what we asked for.

MR. BABCOCK: I'm going to have to go get the book.

MR. TORLEY: See, our problem is we're forbidden, we just can't say you can make two apartments and find that those two apartments are substandard size without

discussion on that matter now, again, this is a, I think this really comes under the heading of unique, you've had a unique property for a long time.

MR. KRIEGER: How big are the other apartments in the building?

MR. MONACO: Nothing is that big and most, a lot of them that are there now remember there's two apartments right above this the exact same size total as what we're looking to do, there's two apartments above.

MR. KRIEGER: Of the other ones, they're no bigger than that?

MR. MONACO: No, in fact, a lot smaller, the building next door that's a 7 family house I've been in a lot of them apartments, they're very, very tiny.

MR. KRIEGER: My question was really addressed to the building that you own that's the subject of this variance, so these apartments if they were allowed to be created would be, they wouldn't be any bigger than the apartments in the building?

MR. MONACO: No.

MR. MC DONALD: The two apartments on the second floor are currently occupying the 1,500 square feet?

MR. MONACO: Yeah, they're exactly above it so they're the exact same size.

MR. KANE: If the apartments were granted, you still feel you have enough room to handle the parking on it and still leave a fire lane going through?

MR. MONACO: Yes.

MR. TORLEY: I'm concerned about the fire access when we get to the 7 family residences whether additional building and fire codes you have to worry about or you'd have to worry about with the planning board. Because my assumption is that after this you have to go to the planning board.

MR. BLOOM: I believe it's subject to site plan approval.

MR. TORLEY: When you get to seven families there may be differences in building codes and requirements.

MR. TORLEY: While Mike is looking, we can continue the rest of this. Gentlemen, any other questions you have on this?

MR. KANE: Not at the moment.

MR. KRIEGER: I have one other. If the variances that you seek are granted, would you be willing to surrender the previously granted commercial variance?

MR. MONACO: On the one we're talking about?

MR. KRIEGER: On these.

MR. MONACO: Oh, sure, yeah, I would never go back to, no, I would never want to go back, no.

MR. KANE: Except for the used car office, correct?

MR. KRIEGER: Yes.

MR. MONACO: That's me personally.

MR. TORLEY: But the area that we're discussing now which is now commercial should you be granted this variance to convert it to residential, our attorney has asked if you'd be willing to surrender the commercial license?

MR. MONACO: Yeah, I did not want to spend the money on the apartment, I don't think it would be, financially wouldn't make any sense to try to go back to a commercial and the thing I'm trying to get away from is the commercial because of certain dangers I feel, you know and like I say, the trucks, just the fact of a compressor running, I mean, I have them alarms to make sure there's no fumes going up and I'm not really comfortable with that. I've never had a problem but I

just figure I can do away with all that and just feel better about everything.

MR. KRIEGER: But you understand that if you were to surrender the commercial variance it's gone?

MR. MONACO: Right. The only thing would be where I have the cars, right?

MR. KRIEGER: I'm not including the sales office, I'm including for this particular space.

MR. MONACO: I have no problem with that whatsoever.

MR. TORLEY: The other question is I'm sure your attorney is aware of the requirements for granting a use variance and those four criteria can you or your appraiser tell us that he cannot if he converted this whole space to the appropriate or to a permitted use in a R-4 zone, he could not get reasonable return on this property?

MR. BLOOM: He cannot, Mr. Chairman, but I will have my appraiser address that specific issue. Would you, Eldred?

MR. CARHART: The square foot return as a commercial property would be \$3.80 a square foot roughly, that's a net on a net basis and the square foot return on the two apartments would be \$10 a square foot, it would be almost three times as much.

MR. TORLEY: Okay, now, in the R-4 zone for a permitted use in a R-4 zone single family home, what would be the return on this, what could this property be sold at for use as a single family home that being the only permitted uses essentially the only permitted use in a R-4 zone?

MR. CARHART: Could you give me just a second?

MR. TORLEY: Yes.

MR. CARHART: I wasn't prepared to answer that.

MR. TORLEY: The use variance says that he has to demonstrate he cannot get a reasonable return for any permitted use in the zone.

MR. CARHART: Well, the permitted use in the zone.

MR. BLOOM: I believe that's what he has addressed.

MR. TORLEY: That's converting commercial to residential.

MR. BLOOM: Correct but what he's saying is that--

MR. TORLEY: But a residential space, so you did say that's \$10 a square foot residential, whether it's two apartments or one apartment?

MR. CARHART: No, I didn't say that, it's two apartments.

MR. BLOOM: With one apartment, Mr. Chairman is asking what would it be with one apartment?

MR. CARHART: I would have to calculate it but it's, I would say it's roughly half of that, it would be around \$5.00 a square foot.

MR. TORLEY: So say 1,500 square foot apartment would not rent for twice the rent?

MR. CARHART: No, it would not rent for twice the amount but it would rent for more.

MR. TORLEY: More but not twice.

MR. CARHART: Yeah, but not twice.

MR. TORLEY: So it would be a diminished return?

MR. CARHART: Yes.

MR. TORLEY: Secondly, this is obviously, I can't say this is a self-created hardship, given the history of the building.

MR. KANE: It's a unique situation which I think covers the self-created, almost everything down in Ducktown is.

MR. TORLEY: It's not going to change the nature of the neighborhood, difficult to imagine that.

MR. BLOOM: No.

MR. TORLEY: Have we covered the criteria on this?

MR. KRIEGER: Yes.

MR. TORLEY: He's going from commercial to residential, does that require short form SEQRA?

MS. MASON: I have that but do we have to do lead agency?

MR. KRIEGER: Yeah, you have to take, no, you have to determine that you're making a review only for this board's purposes and then take lead agency.

MR. TORLEY: Okay, the secretary pointed out to us and our attorney's confirmed since this is a commercial structure we need a SEQRA form which I'm recommending that the zoning board take as lead agency on for our purposes and gentlemen, do you have any objections to a negative finding?

MR. MC DONALD: No.

MR. KANE: No.

MR. KRIEGER: Provided that that's limited to the findings of this board only, it's not designed to bind the planning board or any other entity.

MR. TORLEY: So noted. We need a motion?

MR. KRIEGER: Yes.

MR. TORLEY: May I have a motion on this matter?

MR. KANE: I move that we take lead agency status for

this board's use only on that SEQRA form and declare a negative declaration as it applies to our purposes, not binding the planning board.

MR. MC DONALD: I'll second that.

ROLL CALL

MR. KANE	AYE
MR. RIVERA	AYE
MR. MC DONALD	AYE
MR. TORLEY	AYE

MR. KRIEGER: So the applicant understands when and if you appear in front of the planning board you'll have to go through the SEQRA process there, this doesn't do anything for you one way or the other, it doesn't obviate the need for that.

MR. KANE: If they feel they need something more in depth, they have the right to do that, we, for our purposes, we declared it fine. Other boards have the right to make their own decisions.

MR. TORLEY: Mike, have you found the minimum apartments?

MR. BABCOCK: Actually, there's, in the multiple dwelling, I'm not sure what you're looking for, multiple dwelling itself different than what the R-4 zone is.

MR. TORLEY: We have to go with, we're going to go with as we have in the past if we're making this variance we're going to be what it's like if it was legal for where it was.

MR. BABCOCK: R-4.

MR. TORLEY: Minimum living space.

MR. BABCOCK: Today is 1,200, if you don't consider it a non-conforming lot, which I think it would be considered as non-conforming with the water and sewer cause he does which brings it down to 1,000 square

foot.

MR. TORLEY: Now, in general, in other areas where multiple family dwellings are permitted, what's the minimum size for an apartment?

MR. BABCOCK: I didn't bring that with me, that's R-5 zone which I can go get if you want, I didn't do that because I thought you wanted to use the R-4.

MR. TORLEY: In that case we'd be then granting--

MR. KANE: But if he already has two existing apartments and these are going to be the same size as those that are in the building, just get the numbers correct.

MR. BABCOCK: Yes, I would use, I mean, if it's an R-4 zone, the safest bet is to use the thousand square foot so if he has 1,500 square foot you're making them 750 each, he'd need to ask for a variance for that.

MR. TORLEY: Would you be amenable to do that?

MR. BLOOM: I would, Mr. Chairman and we'd also like to make that motion from the floor with this board's permission at this time.

MR. TORLEY: Thank you.

MR. MC DONALD: So we'd be adding the 250 per unit per apartment, right?

MR. TORLEY: Right.

MR. BABCOCK: Well, it's says livable floor area so maybe if he's going to have a utility room in these units, maybe we should, I'm sure it's going to take up some room, so I would say maybe I'm not sure that's what he's going to get out of it, so I think if we even went to 300.

MR. MC DONALD: Let's give him some room to move.

MR. TORLEY: Make it 300. So now gentlemen, do you

have any other questions on these two variance requests? Again, there's no one in the audience who wishes to speak on this matter, we have opened and closed the public, I'd like to take this on two separate motions, might be the best way of doing it.

MR. RIVERA: Let me just ask a question if I may since you have vehicles on this lot, is there any type of maintenance performed?

MR. MONACO: No, absolutely not, I own a repair shop on Broadway, Budget Muffler and Brake Center, Broadway and DuPont Avenue, three bay, that's my shop, I have four mechanics there. I do no work there, it's outside, there's no garage at my building, there would be no reason except maybe jumping a dead battery out in the lot, if it happens. There's no work performed, no, not an oil change, nothing. If there's a major problem, I drive across the street to trade automotive who I sell cars to and he does it there, I would have no reason to do work but never in my shop.

MR. TORLEY: So motion on the use variance.

MR. KANE: Mr. Chairman, I move that we approve Carmen Monaco for a use variance for proposed conversion of commercial space to an apartment at 224 Walsh Avenue.

MR. MC DONALD: Second it.

MR. TORLEY: Amend that to say and he's surrendering the existing commercial variance.

MR. KANE: So noted.

ROLL CALL

MR. KANE	AYE
MR. RIVERA	AYE
MR. MC DONALD	AYE
MR. TORLEY	AYE

MR. KANE: Accept a motion?

MR. TORLEY: Yes.

MR. KANE: I move that we grant the 300 square foot area variance for two proposed apartments at 224 Walsh Avenue.

MR. BABCOCK: Minimum livable area.

MR. TORLEY: 300 for each of them.

MR. MC DONALD: Second it.

ROLL CALL

MR. KANE	AYE
MR. RIVERA	AYE
MR. MC DONALD	AYE
MR. TORLEY	AYE

MR. BLOOM: Thank you very much.

**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS
OFFICE
845-563-4615**

MEMORANDUM

TO: LARRY REIS, COMPTROLLER
FROM: MYRA MASON, SECRETARY TO THE ZONING BOARD
DATE: AUGUST 11, 2003
SUBJECT: ESCROW REFUND - 02-60 (MONACO)

**PLEASE ISSUE A CHECK IN THE AMOUNT OF \$ 162.50 TO CLOSE OUT
ESCROW FOR:**

ZBA FILE #02-60

NAME: ACTIVE AUTO SALES, INC. (CARMEN MONACO)

ADDRESS: 224 WALSH AVENUE

NEW WINDSOR, NY 12553

THANK YOU,

MYRA

*L.R.
8/11/03*



McGOEY, HAUSER and EDSALL

CONSULTING ENGINEERS P.C.

RICHARD D. McGOEY, P.E. (NY & PA)

WILLIAM J. HAUSER, P.E. (NY & NJ)

MARK J. EDSALL, P.E. (NY, NJ & PA)

JAMES M. FARR, P.E. (NY & PA)

☐ Main Office

33 Airport Center Drive

Suite #202

New Windsor, New York 12553

(845) 567-3100

e-mail: mheny@mhepc.com

☐ Regional Office

507 Broad Street

Millford, Pennsylvania 18337

(570) 296-2765

e-mail: mhepa@mhepc.com

Writer's E-mail Address:

mje@mhepc.com

**PLANNING BOARD WORK SESSION
RECORD OF APPEARANCE**

1-3

TOWN / VILLAGE OF: New Windsor

P/B APP. NO.: _____

WORK SESSION DATE: 10-2-02

PROJECT: NEW ☒ OLD ☐

REAPPEARANCE AT W/S REQUESTED: Yes

RESUB. REQ'D: full app later

PROJECT NAME: Monaco

REPRESENTATIVES PRESENT: Carmen Monaco

MUNICIPAL REPS PRESENT:

BLDG INSP. _____
ENGINEER ☒
P/B CHMN _____

FIRE INSP. B.O.B.
PLANNER _____
OTHER _____

ITEMS DISCUSSED: _____

STND CHECKLIST:

PROJECT
TYPE

APPROVAL BOX: R-4

DRAINAGE _____

SITE PLAN

- 224 Walsh Ave

DUMPSTER _____

SPEC PERMIT

- 2 apt. over cmm.

SCREENING _____

L L CHG.

- Renaissance Court

LIGHTING _____

SUBDIVISION

also 2 apt. in rear + 1 to side

(Streetlights)

OTHER

also his business - office/can lot.

LANDSCAPING _____

BLACKTOP _____

ROADWAYS _____

- want to change Renaissance

to 2 more apt.

need
SIP

proposed total 7 apt.

PROJECT STATUS:

ZBA Referral: _____ Y ☒ N ☐

Ready For Meeting _____ Y ☒ N ☐

Recommended Mtg Date _____

going to ZBA direct from MB



McGOEY, HAUSER and EDSALL
CONSULTING ENGINEERS P.C.

RICHARD D. McGOEY, P.E. (NY & PA)

WILLIAM J. HAUSER, P.E. (NY & NJ)

MARK J. EDSALL, P.E. (NY, NJ & PA)

JAMES M. FARR, P.E. (NY & PA)

☐ **Main Office**

33 Airport Center Drive
Suite #202

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(845) 567-3100

e-mail: mhenry@mhepc.com

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507 Broad Street

Millford, Pennsylvania 18337

(570) 296-2765

e-mail: mhepa@mhepc.com

Writer's E-mail Address:

mje@mhepc.com

PLANNING BOARD WORK SESSION
RECORD OF APPEARANCE

TOWN / VILLAGE OF:

New Windsor

P/B APP. NO.:

153

WORK SESSION DATE:

16 July 2003

PROJECT: NEW ☒ OLD ☐

REAPPEARANCE AT W/S REQUESTED:

No

RESUB. REQ'D:

No

PROJECT NAME:

Monaco

REPRESENTATIVES PRESENT:

Anthony Capella / Carmen Monaco

MUNICIPAL REPS PRESENT:

BLDG INSP.
ENGINEER ☒
P/B CHMN

FIRE INSP. Frank
PLANNER
OTHER

ITEMS DISCUSSED:

224 Walrh.

- had gone to ZBA for aptr.
- Went to ZBA - got variations
- does this need to go to P/B?

- need to contact MB to verify
no need to go to P/B

- Per MB @ ZBA said it is
multiple dwelling and must go
to P/B

STND CHECKLIST:

DRAINAGE

DUMPSTER

SCREENING

LIGHTING

(Streetlights)

LANDSCAPING

BLACKTOP

ROADWAYS

APPROVAL BOX

PROJECT STATUS:

ZBA Referral:

☐ Y ☐ N

Ready For Meeting

☐ Y ☐ N

Recommended Mtg Date

**PROJECT
TYPE**

SITE PLAN

SPEC PERMIT

L L CHG.

SUBDIVISION

OTHER

Appraisal Qualifications
ELDRED P. CARHART
State Certified General Appraiser

Licenses:

New York State Certified General Real Estate Appraiser, No 46-000009964
Connecticut State Certified General Real Estate Appraiser, No. 0000720
Pennsylvania State Certified General Real Estate Appraiser, No. GA-001543-R
New York State Licensed Real Estate Broker, No. 35-518942
New York State Teaching Certificate

Employment History:

Eldred P. Carhart	-	Individual fee appraiser
First Union Bank	-	Assistant vice-president and staff commercial appraiser
First Fidelity Bank	-	Assistant vice-president and staff commercial appraiser
Mid-Hudson Savings Bank	-	Appraisal department manager and senior appraiser
Carhart Appraisal Company	-	Founder, co-owner and chief appraiser

Appraisal Education:

"Principles of Income Property Appraising" (Appraisal Institute, course 201, 60-hours)
"Applied Income Property Valuation" (Appraisal Institute, course 202, 39-hours)
"Highest and Best Use and Market Analysis" (Appraisal Institute, course 520, 36-hours)
"Standards of Professional Practice, Parts A & B" (Appraisal Institute, courses 410 & 420, 25-hours)
"Advanced Sales Comparison and Cost Approaches" (Appraisal Institute, course 530, 39-hours)
"Report Writing and Valuation Analysis" (Appraisal Institute, course 540, 39-hours)
"The Consideration of Environmental Hazards in Real Estate Valuation" (Chapter 123, Appraisal Institute, 2-hour seminar)
"Introduction to Appraising Real Property" (Society of Real Estate Appraisers, course 101, 60-hours)
"Applied Residential Property Valuation" (Society of Real Estate Appraiser, course 102, 39-hours)
"Appraising 2-4 Family Residential Properties" (McKissock Data Systems, 6-hours)
"Narrative Report Writing" (Society of Real Estate Appraisers, 7-hours)
"Appraisal Standards of Practice and Ethics" (National Association of Real Estate Appraisers 15-hour course)
"FIRREA: Overview and Practical Application" (FIRREA Seminars, 7-hours)
"Income Approach" (International Association of Assessing Officers, course 30-hours)
"Introduction to Environmental Considerations for the Appraiser" (McKissock Systems, 8-hours)

"Hidden Factors - Environmental Risk Evaluation and the Real Estate Appraiser"
 (Chapter 123, Appraisal Institute, 2-hour seminar)
 "Estimating Accrued Depreciation" (NYS Society of Real Estate Appraiser, 8-hours)
 "Proper Use of the Marshall & Swift Cost Manual" (NYS Society of Real Estate Appraisers,
 4-hours)
 "Valuation by Subdivision Analysis" (Chapter 123, Appraisal Institute, 2-hour seminar)
 "The Residential Appraiser as an Expert Witness" (NYS Society of Real Estate Appraisers,
 4-hours)
 "Introduction to Review Appraisal" (McKissock Data Systems, 7-hours)
 "EDI and Appraisal Office Automation" (McKissock Data Systems, 7-hours)
 "Appraising the Oddball: Nonconforming & Difficult Properties" (McKissock Data Systems,
 7-Hours)
 "Real Estate Damages: Assessment & Testimony" (McKissock Data Systems, 7-hours)

Numerous other courses and seminars offered by: New York State Association of Realtors, International Association of Assessing Officers, Marshall and Swift Valuation Service, New York Assessors Association, Orange County Assessors Association, Federal Housing Administration, and, National Association of Real Estate Appraisers.

Business Experience:

Actively involved as a professional appraiser since 1965, managing appraisal staffs and conducting appraisals of residential, commercial, industrial properties, building lots, raw acreage, subdivisions and developments.

Appraisal assignments have included: tax certiorari proceedings; appropriation and/or severance damage; mortgage security, utility easements; urban renewal acquisition; assessment review; employee transfer; condemnation by public authority; estate, transfer, and/or gift tax; sale, purchase, and/or investment value; catastrophic damage claim; tax basis; economic and/or location feasibility; leasehold interest; equity yield; cash flow analysis; airport facilities; construction lending and rehabilitation; zoning constitutionality; and, assessment ratio analysis.

Appraisals have been conducted for: banks, financial institutions, insurance companies, government units and agencies, schools, labor unions, religious congregations, commercial and industrial clients, attorneys, and private individuals. Called as a real estate valuation expert and qualified as such to testify at proceedings in the New York State Supreme Court (Westchester, Rockland, Orange and Ulster Counties), and local courts and boards, and the New York State Court of Claims.

Professional Affiliations:

NY State Association of Real Estate Appraisers	-	Director, 1991-93 Chairman, Professional Ethics Committee, 1991-92
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RESULTS OF Z.B.A. MEETING OF:

June 9, 2003

PROJECT:

Carmen Monaco

ZBA #

02-60

P.B.#



USE VARIANCE:

NEED: EAF

PROXY

LEAD AGENCY: M) K S) M VOTE: A 4 N 0
RIVERA A
MCDONALD A CARRIED: Y ☒ N ☐
~~REIS~~
KANE A
TORLEY A

NEGATIVE DEC: M) K S) M VOTE: A 4 N 0
RIVERA A
MCDONALD A CARRIED: Y ☒ N ☐
~~REIS~~
KANE A
TORLEY A

PUBLIC HEARING: M) S) VOTE: A N
RIVERA
MCDONALD CARRIED: Y N
REIS
KANE
TORLEY

APPROVED: M) S) VOTE: A N
RIVERA
MCDONALD CARRIED: Y N
REIS
KANE
TORLEY

ALL VARIANCES - PRELIMINARY APPEARANCE:

SCHEDULE PUBLIC HEARING: M) S) VOTE: A N
RIVERA
MCDONALD
REIS CARRIED: Y N
KANE
TORLEY

PUBLIC HEARING: STATEMENT OF MAILING READ INTO MINUTES YesUse
VARIANCE APPROVED: M) K S) M VOTE: A 4 N 0.

RIVERA A
MC DONALD A CARRIED: Y ☒ N ☐
~~REIS~~
KANE A
TORLEY A

300	Apartment
200 's.f. Variance for each apartment = <u>(M)</u> <u>(S)</u>	
	K M
	A }
	A } 4-0
	A }
	A }

**ZONING BOARD OF APPEALS: TOWN OF NEW WINDSOR
COUNTY OF ORANGE: STATE OF NEW YORK**

-----X

In the Matter of the Application for Variance of

CARMEN MONACO

AFFIDAVIT OF
SERVICE
BY MAIL

#02-60

_____ X

STATE OF NEW YORK)

) SS:

COUNTY OF ORANGE)

MYRA L. MASON, being duly sworn, deposes and says:

That I am not a party to the action, am over 18 years of age and reside at 67 Bethlehem Road, New Windsor, NY 12553.

That on the 20TH day of **MAY**, 2003, I compared the 63 addressed envelopes containing the Public Hearing Notice pertinent to this case with the certified list provided by the Assessor's Office regarding the above application for a variance and I find that the addresses are identical to the list received. I then placed the envelopes in a U.S. Depository within the Town of New Windsor.

Sworn to before me this

Myra L. Mason
Myra L. Mason, Secretary

21st day of May, 2003

[Signature]
Notary Public

JENNIFER MEAD
Notary Public, State Of New York
No. 01ME6050024
Qualified In Orange County
Commission Expires 10/30/2006

PUBLIC HEARING NOTICE
ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing pursuant to Section 48-34A of the Zoning Local Law on the following Proposition:

Appeal No. 02-60

Request of CARMEN MONACO

for a VARIANCE of the Zoning Local Law to Permit:

**USE CHANGE FOR PROPOSED CONVERSION OF COMMERCIAL SPACE
TO APARTMENT USE.**

being a REQUESTED USE CHANGE of an R-4 Zone

**for property located at: 224 WALSH AVENUE
NEW WINDSOR, NY 12553**

known and designated as tax map Section 13 Block 2 Lot 2

**PUBLIC HEARING will take place on JUNE 9TH, 2003
at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York
beginning at 7:30 P.M.**


Chairman



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (914) 563-4631
Fax: (914) 563-4693

Assessors Office

November 27, 2002

Bloom & Bloom
Attorneys and Counselors at Law
530 Blooming Grove Tpke.
New Windsor, NY 12553

RE: 13-2-2

Dear Sir:

According to our records, the attached lists of property owners are within five hundred (500) feet of the above referenced property.

The charge for this service is \$85.00, minus your deposit of \$25.00.

Please remit the balance of \$60.00 to the Town Clerk's office.

Sincerely,

John McDonald 

John McDonald
Acting Assessor

JM/JJL
Attachments

Cc: Pat Corsetti, ZBA

9-1-55

✓ The Town Of New Windsor
555 Union Ave.
New Windsor, NY 12553

✓ 9-1-58

H.C Davis Boiler Works Inc.
3 Susan Drive
Newburgh, NY 12550

✓ 9-1-59

Brian M. Cullinane
217 Walsh Ave.
New Windsor, NY 12553

✓ 9-1-60

Arthur G. Glynn
C/o Trade Automotive Inc.
221 Walsh Ave.
New Windsor, NY 12553

✓ 9-1-61

Omega Select Properties Inc.
Attn: Anthony DeRienzo
8 Algonquin Drive
Newburgh, NY 12550

✓ 9-1-62

Ellen W. Thompson
227 Walsh Ave.
New Windsor, NY 12553

✓ 9-1-63

F.T Realty Holding Corp.
C/o Fred E. Thompson
229 Walsh Ave.
New Windsor, NY 12553

✓ 9-1-64

John Montfort
C/o Federal Block Corp.
247 Walsh Ave.
New Windsor, NY 12553

✓ 9-1-65

Hilmar & Inge Kusmierz
C/o Montfort Bros. Inc.
Attn: Melissa
44 Elm Street
Fishkill, NY 12524

✓ 13-1-1

John Maskey
C/o Ann Maskey
210 Walsh Ave.
New Windsor, NY 12553

13-1-2

✓ Juan Burgoa
214 Walsh Ave.
New Windsor, NY 12553

13-1-3

✓ Arthur G. & Donna Glynn
307 River Road North
Wappingers Falls, NY 12590

13-1-5

✓ Angel & Leslie Brennan
60 Clancy Ave.
New Windsor, NY 12553

13-1-6

✓ Adilson & Maria D. Dantas
64 Clancy Ave.
New Windsor, NY 12553

13-1-7 & 13-1-8

✓ Greg & Dawn Sherwood
70 Clancy Ave.
New Windsor, NY 12553

13-2-1.11

✓ David L. Sunderlin
54 Clancy Ave.
New Windsor, NY 12553

13-2-1.21

✓ Michael & Elena Marie Colandrea
97 Ferdls Rd.
Walden, NY 12586

13-2-3

✓ Mary G. Faricellia
C/o Carmen Monaco
Box 292 Prospect Hill Rd.
Walkill, NY 12589

13-2-4

✓ William E. Bessette & Iris Rodriguez
Bessette
230 Walsh Ave.
New Windsor, NY 12553

✓ 13-2-6

William E. Bessette & Iris Rodriguez
Bessette
234 Walsh Rd.
New Windsor, NY 12553

13-2-7

Three-D Realty
C/o Carmine & Louise Da Mario
40 Clancy Ave.
New Windsor, NY 12553

✓ 13-2-8 & 13-2-17

Edward A. & Ellen Jacopino
238 Walsh Ave.
New Windsor, NY 12553

✓ 13-2-9

Michael T. Ponesse
242 Walsh Ave.
New Windsor, NY 12553

✓ 13-2-10.1

Petrillo Properties Inc.
246 Walsh Ave.
New Windsor, NY 12553

✓ 13-2-13 & 13-2-14

Anna T. Crudele
12 Meriline Ave.
New Windsor, NY 12553

✓ 13-2-15

Leslie Green King
38 Clancy Ave.
New Windsor, NY 12553

✓ 13-2-16

Carmen Damario
40 Clancy Ave.
New Windsor, NY 12553

✓ 13-2-18

Faricellia LTD.
650 Blooming Grove Tpke.
New Windsor, NY 12553

✓ 13-15-8

Victor M. Domingues
6 Koran Ave.
New Windsor, NY 12553

✓ 13-3-1 & 13-3-10 & 13-3-11

Gary & Darla Dreyer
18 Veronica Ave.
New Windsor, NY 12553

- ✓ 13-3-9
Anthony Messina
15 Meriline Ave.
New Windsor, NY 12553
- ✓ 13-14-3
Maureen Grace
12 Myrtle Ave.
New Windsor, NY 12553
- ✓ 13-15-3
Wilsons & Conklins Modern Vending Inc.
14 Koran Ave.
New Windsor, NY 12553
- ✓ 13-13-1 & 13-13-24
Alfred T. Crudele Trustee or his succ.
Under the Crudele Living Trust
37 Clancy Ave.
New Windsor, NY 12553
- ✓ 13-14-4
Joseph A. & Ethel K. Reardon
14 Myrtle Ave.
New Windsor, NY 12553
- ✓ 13-15-4
Larance H. & Roberta I. Brock
61 Clancy Ave.
New Windsor, NY 12553
- ✓ 13-13-2
Trevor Gardner
22 Meriline Ave.
New Windsor, NY 12553
- ✓ 13-14-6.1
Gasper & Elizabeth Cangelosi
20 Myrtle Ave.
New Windsor, NY 12553
- ✓ 13-15-5
Michael J. Jr. & Wilma Pettine
59 Clancy Ave.
New Windsor, NY 12553
- ✓ 13-13-3.1
Charles H. & Fanny Davis
30 Meriline Ave.
New Windsor, NY 12553
- ✓ 13-14-9
Carl E. & Gwendolyne E. Carlson
26 Myrtle Ave.
New Windsor, NY 12553
- ✓ 13-15-6
Kenneth H. & Patricia Heller
57 Clancy Ave.
New Windsor, NY 12553
- ✓ 13-13-4.1
Byron & Mary Hulse
34 Meriline Ave.
New Windsor, NY 12553
- ✓ 13-14-18
Edward Makarewicz
19 Cherry Ave.
New Windsor, NY 12553
- ✓ 13-15-7
Victor M. Domingues
55 Clancy Ave.
New Windsor, NY 12553
- ✓ 13-13-5
Everett & Mary Smith
36 Meriline Ave.
New Windsor, NY 12553
- ✓ 13-14-20
Dorothea Janet & Richard S. Makarewicz
11 Cherry Ave.
New Windsor, NY 12553
- ✓ 13-15-9
Jennie Coleman & Dolores Waite
& John & Frank Spignardo
Life Est. for John N.
51 Clancy Ave.
New Windsor, NY 12553
- ✓ 13-13-22
Daniel M. Wick
23 Myrtle Ave.
New Windsor, NY 12553
- ✓ 13-14-22.1
Hector M. & Catherine F. Bonet
9 Cherry Ave.
New Windsor, NY 12553
- ✓ 13-15-10 & 13-15-16
Albina J. Bugiada Smith
4 Cherry Ave.
New Windsor, NY 12553
- ✓ 13-13-23
John Kaczmarek
13 Myrtle Ave.
New Windsor, NY 12553
- ✓ 13-14-22.2
John L. & Janet Duda
80 Clancy Ave.
New Windsor, NY 12553
- ✓ 13-15-11
Leonard J. & Evelyn Caricchio
6 Cherry Ave.
New Windsor, NY 12553
- ✓ 13-14-1
John L. & Janet Duda
45 Clancy Ave.
New Windsor, NY 12553
- ✓ 13-15-1
Christopher W. Eachus & Kimberly Anne Sanders
67 Clancy Ave.
New Windsor, NY 12553
- ✓ 13-15-12
Loretta Jones & Cheryl Garzione
8 Cherry Ave.
New Windsor, NY 12553
- ✓ 13-14-2
Richard S. Bucci
2 Myrtle Ave.
New Windsor, NY 12553
- ✓ 13-15-2
Christopher W. & Kimberly A. Eachus
65 Clancy Ave.
New Windsor, NY 12553
- ✓ 13-15-13
Donald J. & Lucille J. Dell
12 Cherry Ave.
New Windsor, NY 12553

13-15-14

✓ Gregory H. & Sandra M. Yozzo
14 Cherry Ave.
New Windsor, NY 12553

✓ 13-15-17

Larry Porter
9 Koran Ave.
New Windsor, NY 12553

✓ 13-15-18

Willibaldo & Hortencia Cruz
11 Koran Ave.
New Windsor, NY 12553



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4615
Fax: (845) 563-4695

ZONING BOARD OF APPEALS

May 7, 2003

Carmen Monaco
110 Prospect Hill Road
New Windsor, NY 12553

SUBJECT: REQUEST FOR VARIANCE - #02-60

Dear Mr. Monaco:


This is just a reminder that your Public Hearing before the Zoning Board of Appeals for your requested variance at:

224 Walsh Avenue
New Windsor, NY

is scheduled for the June 9th, 2003 agenda.

This meeting starts at 7:30 p.m. and is held in the Town Meeting Room at Town Hall. If you have any questions or concerns in this matter, please feel free to contact me.

Very truly yours,


Myra Mason, Secretary
Zoning Board of Appeals

MLM:mlm

cc: Bloom & Bloom

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

RECEIPT OF ESCROW RECEIVED:

DATE RECEIVED: MAY 8, 2003

FOR: 02-60 ESCROW

FROM: ACTIVE AUTO SALES, INC. (CARMEN MONACO)

224 WALSH AVENUE

NEW WINDSOR, NY 12553

CHECK NUMBER: 4232

AMOUNT: \$300.00

RECEIVED AT COMPTROLLER'S OFFICE BY:

NAME

DATE

PLEASE RETURN SIGNED COPY TO MYRA FOR FILING

THANK YOU

ZBA # 02-60

Town of New Windsor
555 Union Avenue
New Windsor, NY 12553
(845) 563-4611

RECEIPT
#438-2003

05/09/2003

Active Auto Sales, Inc.

**Received \$ 50.00 for Zoning Board Fees, on 05/09/2003. Thank you for
stopping by the Town Clerk's office.**

As always, it is our pleasure to serve you.

Deborah Green
Town Clerk

WILLIAM & IRIS BESSETTE

234 #5 Walsh Avenue
New Windsor, NY 12553
845 561 4818
B-Clean@Juno.com

May 24, 2003

Town of New Windsor
Zoning Board
555 Union Avenue
New Windsor, NY 12553

Dear Chairman,

We are pleased to inform you that we have no problems with Mr. Monaco's plans for his property. We trust his judgment and experience in the many years we have resided here.

Sincerely,

William & Iris Bessette

Date

TOWN OF NEW WINDSOR

TOWN HALL, 555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

TO Frances Roth
168 N. Drury Lane DR.
Newburgh, N.Y. 12550

DATE			CLAIMED	ALLOWED
10/3/80	Penning Board Mtg		75 00	
	Misc - 2			
	Post - 3			
	Neumann - 3			
	Kremer - 4			
	Monaco - 4	18.00		
	Accettura - 3			
	Chin - 3			
	Yarus - 4		117 00	
	26			
			193 00	

879- 0305

561- 6920

MONACO, CARMEN

Daniel Bloom, Esq. and Mr. Carmen Monaco appeared before the board for this proposal.

MR. TORLEY: Request for use variance to convert five-family apartment to a seven-family at 224 Walsh Road in an R-4 zone.

MR. BLOOM: Good evening, Mr. Chairman, how are you this evening? I'm representing Carmen Monaco this evening on this application and with your permission, I'd like to pass up some photographs that my client's taken of the premises from all different angles, just to give you a familiarity with it. As you're probably aware, he presently conducts his business, Active Auto Sales out of 220 Walsh Avenue in New Windsor. It's a mixed use, it's commercial, it's residential, we were before this board in 1997 and at that time sought a use variance so that he could conduct a commercial operation in the building that housed at that time five residential units. And the board granted that permission. We're back now because the commercial tenant that was in the front portion of that building operated a drapery shop, commercial drapery shop is going out of business or leaving the area and that being the case, it was his feeling that it would be a better use of the premises as well as better for the entire community if he could seek permission from this board to convert the existing commercial space on that lower level into two apartments so he would now have a seven family residential as opposed to a five family residential with a mixed use with the commercial. For your assistance in that regard, I can show you also one of the site plans prepared by Bill Hildreth with your permission, Mr. Chairman. I have an extra copy I can pass over here to other members of the board as well.

MR. TORLEY: Would these two new apartments meet the square footage requirements?

MR. BLOOM: To answer that question, my understanding is that they would. Is that correct, Carmen?

MR. MONACO: There's two apartments above it.

MR. BLOOM: The indication was from the planning board that the only variance requested was the use variance. There was no indication, Mr. Torley, of any other.

MR. TORLEY: Fifteen square feet plus or minus, is that 1,500 each or for the two?

MR. MONACO: Total.

MR. TORLEY: What's the minimum size for an apartment, isn't it 900? I can easily be wrong, but that number sticks in my mind.

MR. BABCOCK: I'm not sure, I have to check that.

MR. TORLEY: Cause 1,500 square feet for two apartments does sound small to me, but I can be wrong, easily.

MR. BLOOM: We'll check that.

MR. TORLEY: So you want to remove the commercial tenant, replace the 1,500 square feet with two apartments?

MR. BLOOM: Correct, sir, the commercial tenant's already given notice, they are, she's going to leave and we, my client just felt that rather than seek another commercial tenant with the obvious burden upon the existing residential tenants in the building, it would make more sense to lessen the impact on the existing tenants as well as the impact on the neighborhood as a whole by converting it to all residential use.

MR. TORLEY: Used car sales office is still there?

MR. BLOOM: Yes, it is, it's still mixed use, buildings plural, yes, but this particular building that houses the existing five residences as well as the existing drapery shop would become an exclusively residential unit.

MR. TORLEY: By the plan looks like it's all one building.

MR. MONACO: It's all connected. It's not really a used car lot as such, I'm just a wholesaler, I come and go out of the office and 95 percent of my sales are to other dealers. It's not like I have a salesman there with lots and advertising, none of that goes on.

MR. TORLEY: The building has always been kept very nicely, the area's very well kept, it has been an asset to the community.

MR. REIS: Maintain the same footprint of the facility?

MR. BLOOM: Yes.

MR. MONACO: Yes.

MR. BLOOM: Nothing exterior, no.

MR. REIS: Parking is adequate?

MR. MONACO: Yes.

MR. BLOOM: More than adequate.

MR. BABCOCK: The parking would be reduced based on the size of the commercial.

MR. TORLEY: How many apartments in a building are permitted in an R-4?

MR. BABCOCK: In R-4, one family house, it's a single family zone.

MR. TORLEY: I think the numbers would be--

MR. BABCOCK: R-5 would be different.

MR. TORLEY: Obviously, you're aware of the difficulties of the procedures required for a use variance?

MR. BLOOM: We are.

MR. TORLEY: Do you have any questions you'd like to

October 28, 2002

15

bring at this time?

MR. REIS: No. Accept a motion?

MR. TORLEY: Yes.

MR. REIS: Make a motion we set up Mr. Carmen Monaco for his requested use variance at 224 Walsh Road.

MR. RIVERA: Second it.

ROLL CALL

MR. RIVERA	AYE
MR. REIS	AYE
MR. TORLEY	AYE

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE

02-60.

Date: _____

✓ I. Applicant Information:

(a) CARMEN MONACO, 110 PROSPECT HILL RD., WALLKILL, NY 12589 (845) 562-0199

(Name, address and phone of Applicant) (Owner)

(b) N/A

(Name, address and phone of purchaser or lessee)

(c) DANIEL J. BLOOM, ESQ., BLOOM & BLOOM, P.C., 530 BLOOMING GROVE TPKE., P.O. BOX 4323

(Name, address and phone of attorney) NEW WINDSOR, NEW YORK 12553 (845) 561-6920

(d) GREVAS & HILDRETH, P.C., 407 SO. PLANK RD., UNIT 3, NEWBURGH, NY 12550 (845) 566-6661

(Name, address and phone of contractor/engineer/architect/surveyor)

II. Application type:

☒ Use Variance

☐ Sign Variance

☒ Area Variance

☐ Interpretation

✓ III. Property Information:

(a) R-4 224 WALSH AVE. 13-2-2, 3, (21,690 S.F.)

(Zone) (Address of Property in Question) 20 & 22 0.5 AC.

(b) What other zones lie within 500 feet? PI (S-B-L) (Lot size)

(c) Is pending sale or lease subject to ZBA approval of this Application? NO SALE - POSSIBLY A LEASE

(d) When was property purchased by present owner? 1988

(e) Has property been subdivided previously? NO

(f) Has property been subject of variance previously? NO. If so, when? _____

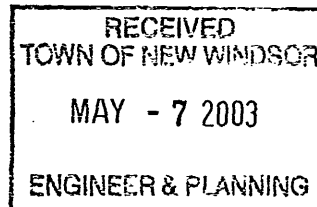
(g) Has an Order to Remedy Violation been issued against the property by the Building/Zoning/Fire Inspector? YES

(h) Is there any outside storage at the property now or is any proposed? YES
(TEMPORARY VEHICLE PARKING)

✓ IV. Use Variance.

(a) Use Variance requested from New Windsor Zoning Local Law,
Section _____, Table of _____ Regs., Col. _____.

(Describe proposal) CONVERSION OF COMMERCIAL USE TO CREATE A SEVEN FAMILY MULTIPLE DWELLING. AT THE PRESENT TIME, THERE ARE FIVE RESIDENTIAL UNITS AND ONE COMMERCIAL WHOLESALE DRAPERY MANUFACTURER. APPLICANT REQUESTS PERMISSION TO CONVERT EXISTING COMMERCIAL SPACE TO TWO RESIDENTIAL UNITS MAKING THE BUILDING ENTIRELY RESIDENTIAL (SEVEN FAMILIES).



(b) The legal standard for a "Use" Variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.
APPLICANT SEEKS TO MINIMIZE IMPACT ON THE NEIGHBORHOOD BY TAKING THE OPPORTUNITY

TO CONVERT THE EXISTING COMMERCIAL SEWING MACHINE OPERATION ON THE PREMISES TO TWO RESIDENTIAL UNITS MAKING THE BUILDING ENTIRELY RESIDENTIAL. MOREOVER, THE PRESENT COMMERCIAL TENANT IS LEAVING THE PREMISES. TO RE-LEASE SAID PREMISES TO A COMMERCIAL TENANT WOULD ADVERSELY IMPACT THE VALUE OF THE EXISTING RESIDENTIAL APARTMENTS IN THE SUBJECT BUILDING.

V. Area Variance: N/A

(a) Area variance requested from New Windsor Zoning Local Law,
Section _____, Table of _____ Regs., Col. _____.

Requirements	Proposed or Available	Variance Request
Min. Lot Area	_____	_____
Min. Lot Width	_____	_____
Reqd. Front Yd.	_____	_____
Reqd. Side Yd.	_____	_____
Reqd. Rear Yd.	_____	_____
Reqd. Street Frontage*	_____	_____
Max. Bldg. Hgt.	_____	_____
Min. Floor Area*	_____	_____
Dev. Coverage*	_____	_____
Floor Area Ratio**	_____	_____
Parking Area	_____	_____

* Residential Districts only

** Non-residential districts only

N/A(b) In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; (3) whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created. Describe

why you believe the ZBA should grant your application for an area variance:

THE PROPOSAL WILL HAVE A BENEFICIAL IMPACT UPON THE ENVIRONMENT AND COMMUNITY INASMUCH AS IT WILL ELIMINATE A COMMERCIAL USE WITHIN A PRIMARILY RESIDENTIAL BUILDING AND WILL REDUCE THE COMMERCIAL TRAFFIC, WHICH PRESENTLY SERVES THE COMMERCIAL OPERATION ON THE PREMISES.

VI. Sign Variance: N/A

- (a) Variance requested from New Windsor Zoning Local Law, Section _____, Supplementary Sign Regulations

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Sign #1	_____	_____	_____
Sign #2	_____	_____	_____
Sign #3	_____	_____	_____
Sign #4	_____	_____	_____

- (b) Describe in detail the sign (s) for which you seek a variance, and set forth your reasons for requiring extra or oversized signs.

- (c) What is total area in square feet of all signs on premises including signs on windows, face of building and free-standing signs? _____.

VII. Interpretation. N/A

- (a) Interpretation requested of New Windsor Zoning Local Law, Section _____.

- (b) Describe in detail the proposal before the Board:

✓ VIII. Additional comments:

- (a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning Local Law is fostered. (Trees, landscaped, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)

SITE CURRENTLY HAS FENCING AND OTHER SCREENING AND IS KEPT NEAT AND CLEAN. IT IS ANTICIPATED THAT ALL NECESSARY PARKING FOR THE SEVEN RESIDENTIAL UNITS WILL BE OFF STREET AND MORE THAN AMPLE.

IX. Attachments required:

- ☒ Copy of referral from Bldg./Zoning Inspector or Planning Board.
- ☒ Copy of tax map showing adjacent properties.
- ☒ Copy of contract of sale, lease or franchise agreement. Copy of deed and title policy.
- ☒ Copy of site plan or survey showing the size and location of the lot, the location of all buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot in question.
- ☒ N/A Copy(ies) of sign(s) with dimensions and location.
- ☒ Two (2) checks, one in the amount of \$ 50.00 and the second check in the amount of \$ 300.00, each payable to the TOWN OF NEW WINDSOR.
- ☒ Photographs of existing premises from several angles.

X. Affidavit.

Date: November 25, 2002

STATE OF NEW YORK)

) SS.:

COUNTY OF ORANGE)

The undersigned applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his/her knowledge or to the best of his/or information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance granted if the conditions or situation presented herein are materially changed.


(Applicant) CARMEN MONACO

Sworn to before me this

25th day of November, 2002.

XI. ZBA Action:

(a) Public Hearing date: _____.

PROJECT I.D. NUMBER

617.21

SEQR

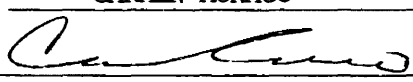
Appendix C

State Environmental Quality Review

SHORT ENVIRONMENTAL ASSESSMENT FORM

For UNLISTED ACTIONS Only

PART I—PROJECT INFORMATION (To be completed by Applicant or Project sponsor)

1. APPLICANT /SPONSOR CARMEN MONACO	2. PROJECT NAME CONVERSION OF COMMERCIAL USE TO SEVEN FAMILY MULTIPLE DWELLING
3. PROJECT LOCATION: Municipality NEW WINDSOR County ORANGE	
4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map) WEST SIDE OF WALSH AVE. 200' SOUTH OF CAROL AVE. FRONTAGE ON CLANCY AVE. OPPOSITE CHERRY AVE. TAX MAP SECTION 13, BLOCK 2, LOTS, 2,3, 20 and 22	
5. IS PROPOSED ACTION: <input type="checkbox"/> New <input type="checkbox"/> Expansion <input type="checkbox"/> Modification/alteration	
6. DESCRIBE PROJECT BRIEFLY: CONVERSION OF COMMERCIAL USE TO CREATE A SEVEN FAMILY MULTIPLE DWELLING. AT THE PRESENT TIME, THERE ARE FIVE RESIDENTIAL UNITS AND ONE COMMERCIAL WHOLESALE DRAPERY MANUFACTURER. APPLICANT REQUESTS PERMISSION TO CONVERT EXISTING COMMERCIAL SPACE TO TWO RESIDENTIAL UNITS MAKING THE BUILDING ENTIRELY RESIDENTIAL (SEVEN FAMILIES).	
7. AMOUNT OF LAND AFFECTED: Initially 0.5 acres Ultimately 0.5 acres	
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If No, describe briefly USE AND AREA VARIANCES REQUIRED FOR APPROVAL.	
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? <input checked="" type="checkbox"/> Residential <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Agriculture <input type="checkbox"/> Park/Forest/Open space <input type="checkbox"/> Other Describe:	
10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If yes, list agency(s) and permit/approvals TOWN OF NEW WINDSOR PLANNING BOARD APPROVAL	
11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, list agency name and permit/approval	
12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION? <input type="checkbox"/> Yes <input type="checkbox"/> No N/A	
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE	
Applicant/sponsor name: CARMEN MONACO	Date: 11/25/02
Signature: 	

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment

OVER

PART II—ENVIRONMENTAL ASSESSMENT (To be completed by Agency)

A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.12? If yes, coordinate the review process and use the FULL EAF. <input type="checkbox"/> Yes <input type="checkbox"/> No	
B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.6? If No, a negative declaration may be superseded by another involved agency. <input type="checkbox"/> Yes <input type="checkbox"/> No	
C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible) C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic patterns, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly: C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly: C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly: C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly: C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly: C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly: C7. Other impacts (including changes in use of either quantity or type of energy)? Explain briefly: 	
D. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes, explain briefly: 	

PART III—DETERMINATION OF SIGNIFICANCE (To be completed by Agency)

INSTRUCTIONS: For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed.

<input type="checkbox"/> Check this box if you have identified one or more potentially large or significant adverse impacts which MAY occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.	
<input type="checkbox"/> Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action WILL NOT result in any significant adverse environmental impacts AND provide on attachments as necessary, the reasons supporting this determination:	
<hr style="border: 0; border-top: 1px solid black; margin: 5px 0;"/>	
Name of Lead Agency	
<hr style="border: 0; border-top: 1px solid black; margin: 5px 0;"/>	
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
<hr style="border: 0; border-top: 1px solid black; margin: 5px 0;"/>	
Signature of Responsible Officer in Lead Agency	Signature of Preparer (If different from responsible officer)
<hr style="border: 0; border-top: 1px solid black; margin: 5px 0;"/>	
Date	

PUBLIC NOTICE OF HEARING

ZONING BOARD OF APPEALS

TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the **TOWN OF NEW WINDSOR, New York**, will hold a Public Hearing pursuant to Section 48-34A of the Zoning Local Law on the following Proposition:

Appeal No. _____

Request of CARMEN MONACO

for a VARIANCE of the Zoning Local Law to Permit:

CONVERSION OF COMMERCIAL USE TO CREATE A SEVEN FAMILY MULTIPLE DWELLING

being a VARIANCE of Section _____

for property situated as follows:

WEST SIDE OF
224 WALSH AVENUE, NEW WINDSOR, NEW YORK 200' SOUTH OF CAROL AVE.

FRONTAGE ON CLANCY AVE. OPPOSITE CHERRY AVE.

known and designated as tax map Section 13, **Blk.** 2 **Lot** 2, 3, 20 and 22

PUBLIC HEARING will take place on the _____ **day of** _____,
20_____ **at the New Windsor Town Hall, 555 Union Avenue, New Windsor,**
New York beginning at 7:30 o'clock P.M.

Chairman

ORANGE COUNTY CLERK'S OFFICE RECORDING PAGE (This Page is Part of the Instrument)

PRINT OR TYPE: BLACK INK ONLY

MICHAEL COLANDREA and
ELENA COLANDREA, husband and wife
TO
CARMEN MONACO

RECORD AND RETURN TO:
(Name and Address)

Thomas Genova, Esq.
34 Cannon Street
Poughkeepsie, NY 12603

ATTACH THIS SHEET TO THE FIRST PAGE OF EACH
RECORDED INSTRUMENT ONLY.

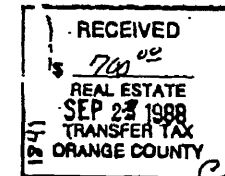
DO NOT WRITE BELOW THIS LINE

CONTROL NO. 062305 DATE 5-14-98 AFFIDAVIT FILED 19
INSTRUMENT TYPE: DEED ☒ MORTGAGE ☐ SATISFACTION ☐ ASSIGNMENT ☐ OTHER ☐

BG20 Blooming Grove	SERIAL NO. _____	CHECK <input checked="" type="checkbox"/> CASH <input type="checkbox"/> CHARGE <input type="checkbox"/>
CH22 Chester	Mortgage Amount \$ _____	
CO24 Cornwall	Exempt Yes <input type="checkbox"/> No <input type="checkbox"/>	MORTGAGE TAX \$ _____
CR28 Crawford	3-6 Cooking Units Yes <input type="checkbox"/> No <input type="checkbox"/>	TRANSFER TAX \$ <u>700.00</u>
DP28 Deerpark	Received Tax on above Mortgage	
GO30 Goshen	Basic \$ _____	
GR32 Greenville	MTA \$ _____	RECORD. FEE \$ <u>11.00</u>
HA34 Hamptonburgh	Spec. Add. \$ _____	REPORT FORMS \$ <u>5.00</u>
HI36 Highland	TOTAL \$ _____	CERT. COPIES \$ _____
MK38 Minisink		
ME40 Monroe		
MY42 Montgomery		
MH44 Mount Hope		
NT46 Newburgh (T)		
NW48 New Windsor		
TU50 Tuxedo		
WL52 Walkkill		
WK54 Warwick		
WA56 Wawayanda		
WO68 Woodbury		
MN08 Middletown		
NC11 Newburgh		
PJ13 Port Jervis		
9999 Hold		

MARION S. MURPHY
Orange County Clerk

by: _____
ORANGE COUNTY CLERK'S OFFICE S.S.
Recorded on the 23rd day of September 19 98 at 10:10
O'clock A. M. in Liberty Film 3013
Dated at page 273 and examined.
Marion S. Murphy
County Clerk



LIBER 3013 PAGE 273

13-2-2
13-2-22

FORM 3013 N. Y. DEED - Current Revised Order with 1/2m. Change

TAXATION DEPARTMENT U. S. DEPT. OF REVENUE
OFFICE OF NEW YORK COUNTY CLERK, NEW YORK**This Indenture,**Made the 14th day of
September, Nineteen Hundred and Eighty-eight,
BetweenMARIE
MICHAEL COLANDREA and ELENA COLANDREA, husband and wife, both residing at 83 Clancy
Avenue, Town of New Windsor, Orange County, New York,

parties of the first part, and

CARMEN MONACO, residing at Prospect Hill Road, P.O. Box 292, Wallkill, New York,

Witnesseth, that the parties of the first part, in consideration of ONE HUNDRED
SEVENTY-FIVE THOUSAND AND 00/100-----Dollar (\$175,000.00)
lawful money of the United States,paid by the party of the second part, do hereby grant and release unto the
party of the second part, his heirs and assigns forever, all
that lot, parcel or piece of land situate in the Town of New Windsor, County of
Orange, State of New York, and being Lots #451, #452, #465 & #466 as shown on the
map entitled "City Park ... Owned by J. W. Wilbur" filed map number 647 and filed
August 30, 1909 in the Orange County Clerk's Office, Goshen, New York, and being
more particularly described as follows:Beginning at a point on the Southwesterly line of Walsh Road, said point of
beginning being the most Northerly corner of lands now or formerly Faricellia,
said point of beginning also being the most Easterly corner of the herein described
parcel; thence from said point of beginning and along the Northwesterly line of
lands of said Faricellia, (1) South 55 degrees 13 minutes 00 seconds West 180.75
feet to the Easterly line of Clancy Avenue; thence along said line (2) North
34 degrees 47 minutes 00 seconds West 60.00 feet; thence along the Southerly line
of Lot #467 as shown on the above referenced filed map, and along the remains of
an old fence line for the most part, (3) North 55 degrees 13 minutes 00 seconds
East 180.75 feet to the Southwesterly line of Walsh Road; thence along said line
(4) South 34 degrees 47 minutes 00 seconds East 60.00 feet to the point of beginning
as shown on a survey map prepared by Barger, Cray & Railing, P.C., dated August 12,
1988.

Containing 10,845 square feet, or 0.249 acres.

Subject to any right-of-way, easement, covenant, or restriction of record.

FORM 581X N. Y. DEED—Full Covenant with Life Covenant

TOTAL AMOUNT PAID TO THE STATE
Tollie Law Firm, Poughkeepsie, New York

This Indenture,

LIBER 1804 PG 588

Made the 23rd day of September

Nineteen Hundred and sixty-eight

Between Ralph C. Brander, residing at (no street or number)
Rosendale, Ulster County, New York

part of the first part, and

Mary

~~XXXXXXXXXXXXXXXXXXXX~~ Mary G. Faricellia, ~~XXXXXXXXXXXXXXXXXXXX~~
residing at 134 Walsh Avenue, New Windsor, Newburgh, Orange County,
New York

part of the second part,

Witnesseth that the party of the first part, in consideration of

Ten

Dollars (\$ 10.00)

lawful money of the United States, and other good and valuable considerations
paid by the party of the second part, does hereby grant and release unto the
party of the second part, her heirs, executors, / and assigns forever, all
her administrators

All that tract or parcel of land, situate in the Town of New Windsor,
County of Orange and State of New York, being lots numbered four hundred
forty-nine(449) and four hundred fifty(450) on a map or plan of City Park
dated August 16, 1909, made by A. L. Eliot, Civil Engineer, and filed in the
office of the Clerk of Orange County, August 30, 1909 and more particularly
described as follows, to wit:

Bounded; northeasterly by Walsh's Road sixty(60) feet; southeasterly
by lot 448 on said plan one hundred and 75/100(100.75) feet; southwesterly
by lots 463 and 464 on said plan sixty(60) feet; northwesterly by lot
451 on said plan one hundred and 75/100(100.75) feet. Containing according
to said plan, six thousand forty-four(6044) square feet, more or less.

Together with the fee, in so far as there is the right to convey
the same, of all the streets and ways shown on said plan, in common with
the owners of the other lots shown on said plan, and subject to the
right of all said lot owners to make any customary use of said streets
and ways. No house shall be built on said lots costing less than four
hundred dollars.

Being the same premises conveyed to the party of the first part
by Michael A. and Dorothy Brander, his wife by deed dated January 5, 1963
recorded in the Orange County Clerk's Office on January 15, 1963 in Liber
1632 of deeds at page 677.

13-2-3

Together with the appurtenances and all the estate and rights of the part
of the first part in or to said premises,

To have and to hold the premises herein granted unto the part y of the
second part, ~~their~~ heirs, executors, administrators, and assigns forever.
her

And said party of the first part

covenants as follows:

First, That said party of the first part is

seized of said premises in fee simple, and has good right to convey the same;

Second, That the part y of the second part shall quietly enjoy the said
premises;

Third, That the said premises are free from incumbrances, except as herein
stated.

Fourth, That the part y of the first part will execute or procure any further
necessary assurance of the title to said premises;

Fifth, That said party of the first part

will forever Warrant the title to said premises.

Sixth, That, in Compliance with Sec. 13 of the Lien Law, the grantor will
receive the consideration for this conveyance and will hold the right to receive such
consideration as a trust fund to be applied first for the purpose of paying the cost of
the improvement and will apply the same first to the payment of the cost of the
improvement before using any part of the total of the same for any other purpose.

In Witness Whereof, the part y of the first part has hereunto set his
hand and seal the day and year first above written.

In Presence of

Ralph C. Brander
Ralph C. Brander

State of New York } On this 23rd day of September
County of Dutchess } Nineteen Hundred and sixty-eight
before me, the subscriber, personally appeared

Ralph C. Brander.

to me personally known and known to me to be the same person described in and
who executed the within Instrument, and he acknowledged
to me that he executed the same.

Mary V. Cerilli
Notary Public

MARY V. CERILLI
NOTARY PUBLIC, STATE OF NEW YORK
RESIDING IN DUTCHES COUNTY
COMMISSION EXPIRES MARCH 30, 1969

001030 REAL ESTATE STATE OF
TRANSFER TAX NEW YORK
Dept. of Taxation SEP 28 '68
FIDELITY P.B. 10351

LIBER 1504 PG 369



Deed

FULL COVENANT WITH LIEB COVENANT

Ralph C. Brander

TO

Dominick Faricella and

Mary G. Faricella

Dated September 23rd 19 68

Orange County Clerk's Office, S.S.
Recorded on the 26th day
of ... 1968 at 11:55
o'clock ... A.M. in Liber 1804
..... at page 550
and Examined.

[Signature]

LIBER 1804 pg 550

Bennet E 660
R.R. Broh k-

ORANGE COUNTY CLERK'S OFFICE RECORDING PAGE
THIS PAGE IS PART OF THE INSTRUMENT - DO NOT REMOVE

PRINT OR TYPE: BLACK INK ONLY

MARY GRACE FARICELLIA

TO

CARMEN MONACO

SECTION 11 BLOCK 2 LOT 20

RECORD AND RETURN TO:
 (Name and Address)

Taconic Abstract
 100 Main Street
 Fishkill, New York 12524

ATTACH THIS SHEET TO THE FIRST PAGE OF EACH
 RECORDED INSTRUMENT ONLY.

DO NOT WRITE BELOW THIS LINE

CONTROL NO. 061980 DATE 9-7-88 AFFIDAVIT FILED 19

INSTRUMENT TYPE DEED ☒ MORTGAGE ☐ SATISFACTION ☐ ASSIGNMENT ☐ OTHER ☐

BQ20 Blooming Grove
 CH22 Chester
 CO24 Cornwall
 CR20 Crawford
 DP28 Deepark
 GO60 Goshen
 GR32 Greenville
 HA34 Hamptonburgh
 HI36 Highlands
 MK38 Minisink
 ME40 Monroe
 MY42 Montgomery
 MH44 Mount Hope
 NT46 Newburgh (T)
 NW48 New Windsor
 TU50 Tuxedo
 WL52 Watkill
 WK54 Warwick
 WA56 Wawayanda
 WO68 Woodbury
 MN09 Middletown
 NC11 Newburgh
 PJ13 Port Jervis
 9999 Hold

SERIAL NO. _____
 Mortgage Amount \$ _____
 Exempt Yes _____ No _____
 3-6 Cooking Units Yes _____ No _____
 Received Tax on above Mortgage
 Basic \$ _____
 MTA \$ _____
 Spec. Add. \$ _____
 TOTAL \$ _____

CHECK ☒ CASH ☐ CHARGE _____

MORTGAGE TAX \$ _____

TRANSFER TAX \$ 74-

RECORD. FEE \$ 14-

REPORT FORMS \$ 5-

CERT. COPIES \$ _____

MARION S. MURPHY
 Orange County Clerk

by _____

ORANGE COUNTY CLERK'S OFFICE S.S.

Recorded on SEP 16 1988
 at 9:00 O'Clock AM
 in Liber/Film 3009 Deed
 at page 260 and examined.
Marion S. Murphy
 County Clerk

RECEIVED
10 74-
 REAL ESTATE
 SEP 16 1988
 TRANSFER TAX
 ORANGE COUNTY 11

LIBER 3009 PAGE 260

FORM 3007

Standard N.Y.S.T.U. Form 3007

Bargain and Sale Deed with Covenant against Grantor's Acts — Individual or Corporation

CONSULT YOUR LAWYER BEFORE SIGNING THIS INSTRUMENT — THIS INSTRUMENT SHOULD BE USED BY LAWYERS ONLY.

THIS INDENTURE, made the 17th day of SEPTEMBER, nineteen hundred and eighty-eight
 BETWEEN MARY GRACE FARICELLI, residing at 126 Walsh Avenue,
New Windsor, New York 12550;

party of the first part, and CARMEN MONACO, residing at P.O. Box 292, Prospect Hill
Road, Wallkill, New York 12589;

party of the second part,

WITNESSETH, that the party of the first part, in consideration of

TEN AND NO/100-----dollars,

lawful money of the United States,

paid

by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors
 and assigns of the party of the second part forever, and other good and valuable consideration

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and
 being in the Town of New Windsor, County of Orange and State of New York, being lots
 numbered 463 and 464 on a map or plan of City Park dated August 16, 1900 made by
 A.L. Elliot, C.E., and filed in the office of the Orange County Clerk on August 30th,
 1909.

TOGETHER with the fee of all the streets, avenues, boulevards, roads, paths, alleys
 and sidewalks, shown on said plan, in common with the owners of the other lots
 shown on said plan and subject to the right of all of said lot owners to make any
 customary use of said streets, avenues, boulevards, roads, paths, alleys and side-
 walks.

BEING the same premises conveyed by Louis Brander to Dominick Faricellia by Deed
 dated December 20, 1962, recorded in the Orange County Clerk's Office on December
 22, 1962 in Liber 1631 of Deeds at page 1032, the said Dominick Faricellia having
 died a resident of the Town of New Windsor, Orange County, New York, on August 12,
 1968, leaving a Last Will and Testament which was admitted to Probate by the
 Surrogate of Orange County on August 10, 1971, and Letters Testamentary having
 been issued to Carmine Damario on August 10, 1971.

LIBER 3009 PAGE 261

STATE OF NEW YORK, COUNTY OF ORANGE

On the 19th day of SEPTEMBER 1988, before me

personally came

MARY GRACE FARICELLA

to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that she executed the same.

[Signature]

GERALD FIEDELMOYER
 Notary Public, State of New York
 Residing in Orange County
 No. 150-010
 Commission Expires May 01, 1991

STATE OF NEW YORK, COUNTY OF

On the day of 19, before me

personally came to me known, who, being by me duly sworn, did depose and say that he resides at No.

that he is the of

the corporation described in and which executed the foregoing instrument; that he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the board of directors of said corporation, and that he signed it in accordance therewith by like order.

STATE OF NEW YORK, COUNTY OF

On the day of 19, before me

personally came

to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that he executed the same.

STATE OF NEW YORK, COUNTY OF

On the day of 19, before me

personally came to me known, who, being by me duly sworn, did depose and say that he resides at No.

that he is the of

the corporation described in and which executed the foregoing instrument; that he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the board of directors of said corporation, and that he signed it in accordance therewith by like order.

Morgan and Fair Deal
 WITH COVENANT AGAINST GRANTOR'S ACTS

Title No.

MARY GRACE FARICELLA

TO

CARMEN MONACO

SECTION 13

BLOCK 2

LOT 20

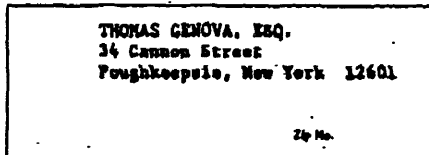
COUNTY OR TOWN ORANGE

Recorded at Request of COMMONWEALTH LAND
 TITLE INSURANCE COMPANY

RETURN BY MAIL TO:

THOMAS GENOVA, ESQ.
 34 Cannon Street
 Poughkeepsie, New York 12601

24 No.



RESERVE THIS SPACE FOR USE OF RECORDING OFFICE

LIBR 3009 PAGE 263

ORANGE COUNTY CLERK'S OFFICE RECORDING PAGE THIS PAGE IS PART OF THE INSTRUMENT - DO NOT REMOVE



TYPE NAME(S) OF PARTY(S) TO DOCUMENT: BLACK INK

MARY FARICELLIA LAROSA

TO

CARMEN MONACO

SECTION 13 BLOCK 2 LOT 20

RECORD AND RETURN TO:
(Name and Address)

THERE IS NO FEE FOR THE RECORDING OF THIS PAGE

ATTACH THIS SHEET TO THE FIRST PAGE OF EACH

RECORDED INSTRUMENT ONLY

THOMAS GENOVA ESQ
KLEIN & GENOVA
302 NORTH ST
NEWBURGH NY 12550

DO NOT WRITE BELOW THIS LINE

INSTRUMENT TYPE: DEED ☒ MORTGAGE ☐ SATISFACTION ☐ ASSIGNMENT ☐ OTHER ☐

PROPERTY LOCATION

2089 BLOOMING GROVE (TN)
2001 WASHINGTONVILLE (VLG)
2289 CHESTER (TN)
2201 CHESTER (VLG)
2489 CORNWALL (TN)
2401 CORNWALL (VLG)
2600 CRAWFORD (TN)
2800 DEERPARK (TN)
3089 GOSHEN (TN)
3001 GOSHEN (VLG)
3003 FLORIDA (VLG)
3005 CHESTER (VLG)
3200 GREENVILLE (TN)
3489 HAMPTONBURGH (TN)
3401 MAYBROOK (VLG)
3689 HIGHLANDS (TN)
3601 HIGHLAND FALLS (VLG)
3689 MINISINK (TN)
3801 UNIONVILLE (VLG)
4089 MONROE (TN)
4001 MONROE (VLG)
4003 HARRIMAN (VLG)
4005 KORYAS JOEL (VLG)

4289 MONTGOMERY (TN)
4201 MAYBROOK (VLG)
4203 MONTGOMERY (VLG)
4205 WALDEN (VLG)
4489 MOUNT HOPE (TN)
4401 OTISVILLE (VLG)
4600 NEWBURGH (TN)
4800 NEW WINDSOR (TN)
5089 TUXEDO (TN)
5001 TUXEDO PARK (VLG)
5200 WALLKILL (TN)
5489 WARWICK (TN)
5401 FLORIDA (VLG)
5403 GREENWOOD LAKE (VLG)
5405 WARWICK (VLG)
5600 WAWAYANDA (TN)
5889 WOODBURY (TN)
5801 HARRIMAN (VLG)

CITIES

0900 MIDDLETOWN
1100 NEWBURGH
1300 PORT JERVIS

NO. PAGES 2 CROSS REF
CERT. COPY ☐ AFFT. FILED ☐

PAYMENT TYPE: CHECK ☒
CASH ☐
CHARGE ☐
NO FEE ☐

CONSIDERATION \$ 18,500.00
TAX EXEMPT ☐

MORTGAGE AMT \$
DATE

MORTGAGE TYPE:

(A) COMMERCIAL
(B) 1 OR 2 FAMILY
(C) UNDER \$10,000
(E) EXEMPT
(F) 3 TO 6 UNITS
(I) NAT. PERSON/CR. UNION
(J) NAT. PER. CR. UN/1 OR 2
(K) CONDO

Joan A. Macchi

JOAN A. MACCHI
Orange County Clerk

RECEIVED FROM: *Klein*

LIB 45536 37

LIBER 4553 PAGE 37

ORANGE COUNTY CLERK'S OFFICE 17828 MCD
RECORDED/FILED 04/11/97 11:00:07 AM
FEES 41.00 EDUCATION FUND 5.00
SERIAL NUMBER: 006663
DEED ENTL NO. 53622 RE TAX 74.00

Revised N.Y.U.P. Form 1002; Reprints & sale adv.
only available under special conditions at \$100.00 per set.

THE NEW BLINDERS: THE LAST BLIND FOLDING

CONSULT YOUR LAWYER BEFORE SIGNING THIS INSTRUMENT - THIS INSTRUMENT SHOULD BE USED BY LAWYERS ONLY

party of the first part, and
Carmen Monaco
PO Box 292
Prospect Hill Road
Wallkill, NY 12589

party of the second part,

WITNESSETH, that the party of the first part, in consideration of Ten Dollars and other valuable consideration paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part forever,

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Town of New Windsor, County of Orange and State of New York, being lots numbered 463 and 464 on a map or plan of City Park dated August 16, 1900 made by A.L. Elliot, C.E., and filed in the office of the Orange County Clerk on August 30th, 1909.

TOGETHER with the fee of all the streets, avenues, boulevards, roads, paths, alleys and sidewalks, shown on said plan, in common with the owners of the other lots shown on said plan and subject to the right of all of said lot owners to make any customary use of said streets, avenues, boulevards, roads, paths, alleys and sidewalks.

BEING the same premises conveyed by Louis Brander to Dominick Faricellia by Deed dated December 20, 1962, recorded in the Orange County Clerk's Office on December 22, 1962 in Liber 1631 of Deeds at page 1032, the said Dominick Faricellia having died a resident of the Town of New Windsor, Orange County, New York, on August 12, 1968, leaving a Last Will and Testament which was admitted to Probate by the Surrogate of Orange County on August 10, 1971, and Letters Testamentary having been issued to Carmine Damarico on August 10, 1971.

TOGETHER with all right, title and interest, if any, of the party of the first part in and to any streets and roads abutting the above described premises to the center lines thereof; TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises; TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been encumbered in any way whatsoever, except as aforesaid.

AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose. The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.

IN PRESENCE OF:

Texas Jones

Nota w/
cc 3/16/18

Commission Expires 7/4/97

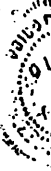
MARY FABICELLIA LAROSA

LIBR 4553PC 38

FLORIDA
STATE OF FLORIDA, COUNTY OF ALACHUA

On the 30 day of March 1997, before me personally came

Mary Fariella Lolita
in me known to be the individual described in and who executed the foregoing instrument, and acknowledged that executed the same.



COMMISSION EXPIRES: 7/4/97

STATE OF NEW YORK, COUNTY OF

On the day of 19 before me personally came

to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that executed the same.

STATE OF NEW YORK, COUNTY OF

On the day of 19 before me personally came to me known, who, being by me duly sworn, did depose and say that he resides at No.

that he is the of

the corporation described in and which executed the foregoing instrument; that he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the board of directors of said corporation, and that he signed his name thereto by like order.

STATE OF NEW YORK, COUNTY OF

On the day of 19 before me personally came the subscribing witness to the foregoing instrument, with whom I am personally acquainted, who, being by me duly sworn, did depose and say that he resides at No.

that he knows

to be the individual described in and who executed the foregoing instrument; that he, said subscribing witness, was present and saw execute the same; and that he, said witness, at the same time subscribed his name as witness thereto.

Warranty and Sale Deed
WITH COVENANT AGAINST CHAIN'S ACTS

TITLE No.

FARIELLA

TO

MORALIS

SECTION 13
BLOCK 2
LOT 20
COUNTY OR TOWN
ORANGE / NEW WINDSOR

RETURN BY MAIL TO:

THOMAS GENOVA, ESQ.
KLEIN & GENOVA
302 NORTH STREET
NEWBURGH, NY 12550

Zip No.

Leave this space for use of Recording Office

1M45536 39

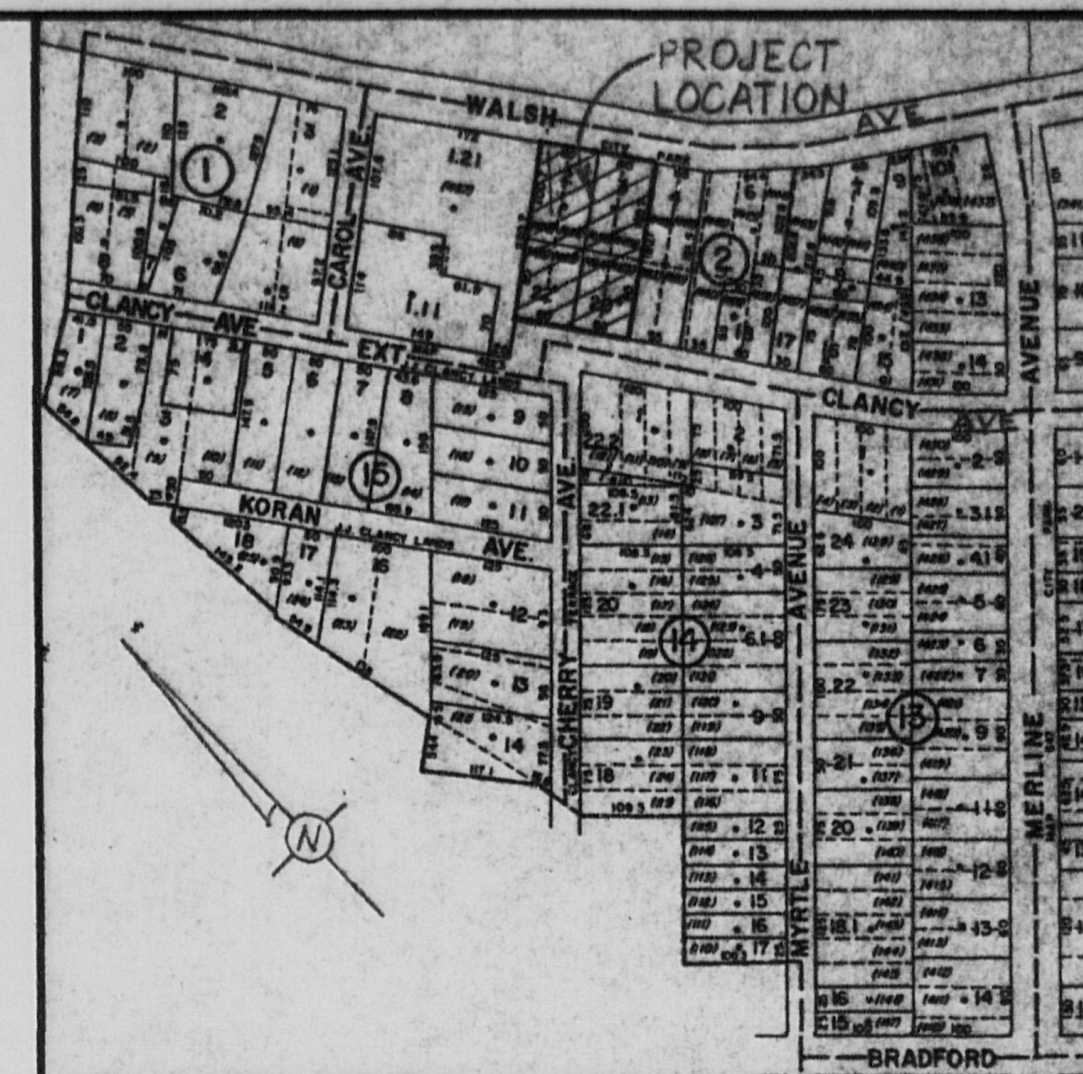
EDGE OF PAVEMENT

ZONE DISTRICT BOUNDARY $\frac{P.I.}{R-4}$ — **WALSH ROAD** — $\frac{P.I.}{R-4}$ ZONE DISTRICT BOUNDARY

$S34^{\circ}47'00''E\ 61.31'$

LIBER 3013 PAGE 273

Parcel Area
12,975 S.F.
0.30 Ac.



LOCATION PLAN SCALE: 1"=200'±

TABLE OF LABELED COURSES

A	$S33^{\circ}19'13''E$	18.43'
B	$S53^{\circ}52'25''W$	11.75'
C	$S\ 3^{\circ}32'23''W$	22.65'
D	$S17^{\circ}48'56''W$	9.64'
E	$S35^{\circ}05'17''E$	14.94'
F	$N54^{\circ}17'02''E$	47.28'
G	$N88^{\circ}32'52''E$	18.09'
H	$N54^{\circ}29'19''E$	18.59'

NOTES

1. BEING AN AMENDED SITE PLAN OF LANDS SHOWN ON THE TOWN OF NEW WINDSOR TAX MAPS AS SECTION 13 BLOCK 2 LOT 2, SAID LOT HAVING BEEN ESTABLISHED BY A MAP ENTITLED "CARMEN MONACO SITE PLAN, LOT-LINE CHANGE & MOBILE HOME PARK FINAL PLAN", SAID MAP HAVING BEEN FILED IN THE ORANGE COUNTY CLERK'S OFFICE ON 27 FEBRUARY 1997 AS MAP NO. 41-97.
2. THE PURPOSE OF THIS PLAN IS TO CONVERT APPROXIMATELY 1,500 SQUARE FEET OF SPACE FORMERLY USED AS A SEWING MACHINE SHOP TO TWO APARTMENTS.
3. THE ABOVE REFERENCED SITE PLAN WAS APPROVED BY THE TOWN OF NEW WINDSOR PLANNING BOARD ON 8 JANUARY 1997 FOLLOWING THE GRANTING OF USE, BULK AND PARKING VARIANCES BY THE TOWN OF NEW WINDSOR ZONING BOARD OF APPEALS AFTER HOLDING A PUBLIC HEARING ON 12 AUGUST 1996.
4. PROPERTY OWNER/APPLICANT: CARMEN MONACO
120 WALSH AVENUE
NEW WINDSOR, NEW YORK 12553
5. PROPERTY ZONE: R-4
6. PROPERTY USE (CURRENT): USED CAR SALES (PROPOSED): USED CAR SALES
APARTMENTS (TOTAL OF 5) APARTMENTS (TOTAL OF 7)
SEWING MACHINE SHOP
7. TOTAL PARCEL AREA: 12,975 SQUARE FEET (0.30 ACRES)
8. WATER SUPPLY AND SEWAGE DISPOSAL BY EXISTING MUNICIPAL FACILITIES.
9. BOUNDARIES, TOPOGRAPHIC INFORMATION AND THE LOCATION OF EXISTING IMPROVEMENTS AND PHYSICAL FEATURES SHOWN HEREON RESULTED FROM A FIELD SURVEY COMPLETED ON 17 JANUARY 1992 AND A FIELD INSPECTION PERFORMED ON 17 OCTOBER 2002 UNDER THE SUPERVISION OF THE UNDERSIGNED.
10. OFFSETS SHOWN ARE AT RIGHT ANGLES TO THE PROPERTY LINES, UNLESS OTHERWISE NOTED.
11. THIS PLAN WAS PREPARED PRIOR TO THE RECEIPT OF A TITLE REPORT OR ABSTRACT OF TITLE AND IS THEREFORE SUBJECT TO EASEMENTS AND OTHER GRANTS NOT VISIBLE, IF ANY.
12. NO CERTIFICATION IS MADE FOR ITEMS NOT VISIBLE AT GROUND SURFACE AT THE TIME OF THE SURVEY.
13. UNAUTHORIZED ALTERATION OR ADDITION TO THIS PLAN IS A VIOLATION OF SECTION 7209(2) OF THE NEW YORK STATE EDUCATION LAW.
14. ONLY COPIES FROM THE ORIGINAL OF THIS PLAN MARKED WITH AN ORIGINAL LAND SURVEYOR'S INKED SEAL SHALL BE CONSIDERED TO BE VALID TRUE COPIES.
15. CERTIFICATION SHALL RUN ONLY TO THE PERSONS FOR WHOM THIS PLAN IS PREPARED, AND ON HIS BEHALF, TO THE TITLE COMPANY, GOVERNMENTAL AGENCY AND LENDING INSTITUTION LISTED HEREON AND IS NOT TRANSFERABLE TO ADDITIONAL INSTITUTIONS OR SUBSEQUENT OWNERS.

CERTIFICATION

I hereby certify that this plan resulted from an actual field survey of the indicated premises completed on 17 January 1992 and a field inspection completed on 17 October 2002 performed in accordance with the code of practice adopted by the N.Y.S. Association of Professional Land Surveyors, Inc., and is, to the best of my knowledge and belief, correct.

CERTIFIED TO: Carmen Monaco



OWNERS CONSENT

I HAVE REVIEWED THIS PLAN AND FIND IT ACCEPTABLE

Carmen Monaco
OWNER

CLANCY AVENUE
EXTENSION

CHERRY
AVENUE

Grevas & Hildreth, P.C. LAND SURVEYORS 407 SOUTH PLANK ROAD UNIT 3, NEWBURGH, N.Y. 12550 TEL: (845) 566-6650	
REVISIONS:	ACAD:RMONO
DATE	DESCRIPTION

PLAN FOR:	
CARMEN MONACO	
TOWN OF NEW WINDSOR	ORANGE COUNTY
Drawn: WBH	NEW YORK
Checked:	
Scale: 1"=20'	
Date: 18 Oct. 2002	
Job No: 92-004	

AMENDED
SITE PLAN